

UNFINISHED BUSINESS

Bill No: SB 942
Author: Caballero (D), et al.
Amended: 8/20/26
Vote: 27 - Urgency

SENATE HEALTH COMMITTEE: 9-0, 4/15/26

AYES: Weber Pierson, Caballero, Durazo, Gonzalez, Grove, Padilla, Pérez,
Rubio, Smallwood-Cuevas

NO VOTE RECORDED: Valladares, Menjivar

SENATE JUDICIARY COMMITTEE: 13-0, 4/21/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SENATE FLOOR: 38-0, 5/26/26

AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear,
Cabaldon, Caballero, Cervantes, Choi, Cortese, Durazo, Grayson, Grove,
Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa
Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas,
Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Dahle, Gonzalez

ASSEMBLY FLOOR: 64-11, 8/25/26 - See last page for vote

SUBJECT: Civil detainees

SOURCE: California Department of Justice
Immigrant Defense Advocates

DIGEST: This bill creates the Civil Detainees' Bill of Rights Act of 2026 to provide that all persons housed or detained for purposes of civil immigration

proceedings in California at any state, county, local, or private locked detention facility have the legal rights and responsibilities guaranteed all other persons by the United States Constitution and federal law and the California Constitution and state law, unless specifically limited by federal or state law or regulations, specifies that all persons housed or detained for purposes of civil immigration proceedings in California have specified rights, specifies that these rights shall be observed and protected by an operator of any facility in California in which the individuals are housed or civilly detained, and specifies that the Attorney General may bring a civil action for injunctive and other appropriate declaratory or equitable relief to protect these rights, and may seek a civil penalty of no more than \$2,500 per violation.

Assembly Amendments remove the requirement that civil confinement facilities in the state register with the Department of Public Health if not already licensed, certified, designated, or approved under state law or local ordinance and the requirement that enforcing agencies conduct regular inspections and enforcement of applicable health and safety laws and regulations, and instead specifies various rights of persons housed or detained for the purposes of civil immigration proceedings in a private locked detention facility, as specified.

ANALYSIS:

Existing law:

- 1) Prohibits law enforcement agencies from using agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, place peace officers under the supervision of federal agencies, use immigration authorities as interpreters for law enforcement matters, transfer an individual to immigration authorities unless authorized by a judicial warrant, provide office space exclusively dedicated to immigration authorities, and contract with the federal government for the use of law enforcement agency facilities to house individuals as federal detainees for the purposes of civil immigration custody, as specified.
(Government (Gov.) Code § 7284.6.)
- 2) Requires a private detention facility responsible for the custody and control of a prisoner or civil detainee to comply with various requirements, including:
 - a) All appropriate state and local building, zoning, health, safety, and fire statutes, ordinances, and regulations, and with the minimum jail standards, as specified;

- b) That it select and train personnel in accordance with selection and training requirements adopted by the Board of State and Community Corrections; and
 - c) That it maintain insurance coverages, as specified. (Pen. Code § 9506.)
- 3) Requires a private detention facility to comply with and adhere to the detention standards of care and confinement agreed upon in the facility's contract for operations, and permits an individual injured by a tortious action of an operator of a private detention facility when the operator commits a tortious action that fails to comply with the detention standards of care and confinement to bring a civil action for relief. Permits such an individual to recover their reasonable attorney's fees and costs, in the court's discretion. (Gov. Code § 7320.)
- 4) Requires, until July 1, 2027, the Attorney General, or their designee, to engage in reviews of county, local, or private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in the state, including any county, local, or private locked detention facility in which an accompanied or unaccompanied minor is housed or detained, as specified. Requires the Attorney General to provide updates and information regarding their findings, as specified. (Gov. Code § 12532.)
- 5) Requires a county health officer and any city health officer to investigate health and safety conditions in a county jail, publicly operated detention facility in the county, and a private work furlough facility and program, at least annually, as specified. Permits the county health officer and city health officer to make additional investigations as they deem necessary, and requires them to submit a report to the respective investigated entities, as specified. (Health & Safety Code § 101045.)
- 6) Provides persons with developmental disabilities the same legal rights and responsibilities guaranteed all other individuals in the United States Constitution and law and the Constitution and law of California, and provides each person involuntarily detained for evaluation or treatment under the Lanterman-Petris-Short Act and each person admitted as a voluntary patient for psychiatric evaluation or treatment to any health facility specified rights. (Welfare & Institutions (Inst.) Code §§ 4502, 4503, 5325, 5325.1.)

This bill:

- 1) Provides that all persons housed or detained for purposes of civil immigration proceedings in California at any state, county, local, or private locked detention facility, including any county, local, or private locked detention facility in which an individual is housed or detained on behalf of, or pursuant to a contract with, the federal Office of Refugee Resettlement or the United States Immigration and Customs Enforcement, have the legal rights and responsibilities guaranteed all other person by the U.S. Constitution, federal law, and the California Constitution and state law, unless specifically limited by federal or state law or regulations.
- 2) Specifies that all persons housed or detained for purposes of civil immigration proceedings in California in any state, county, local, or private locked detention facility, including any county, local, or private locked detention facility in which an individual is housed or detained on behalf of, or pursuant to a contract with, the federal Office of Refugee Resettlement or the U.S. Immigration and Customs enforcement, have the following rights:
 - a) A right to dignity, privacy, and humane care;
 - b) A right to mental health treatment services provided in ways that are the least restrictive of the personal liberty of the individual;
 - c) A right to medical and dental care and treatment;
 - d) A right to be free from harm, including abuse or neglect, and unnecessary or excessive physical restraint, isolation, or medication;
 - e) A right to religious freedom and practice, physical exercise, and recreational opportunities;
 - f) A right to clean drinking water and functioning toilet and shower facilities;
 - g) A right to a clean facility and living quarters that is kept in good repair;
 - h) A right to food that is adequate to maintain health and is selected, stored, prepared, and served in a safe and healthful manner; and
 - i) A right, subject to denial for good cause as described in Title 9 of the California Code of Regulations section 884, to:
 - i. Reasonable access to a telephone for making and receiving calls, provided that telephone hours, frequency and duration and method of payment may be limited to ensure access by all;
 - ii. Reasonable access to letter writing materials; and
 - iii. The ability to send and receive correspondence, subject to inspection for contraband and limitations on size, weight, and volume of mail, including that letters or documents sent to or received from an attorney, court, or government official through the mail shall not be read by anyone other than the addressee.

- 3) Specifies that the Legislature reaffirms that persons protected by the rights described in 6), above, and Title 9 of the California Code of Regulations sections 883 and 884 have the following rights:
 - a) A right to mental health and dental care and treatment;
 - b) A right to clean drinking water and functioning toilet and shower facilities;
 - c) A right to a clean facility and living quarters that is kept in good repair; and
 - d) A right to food that is adequate to maintain health and is selected, stored, prepared, and served in a safe and healthful manner.
- 4) Specifies that the rights of individuals housed or civilly detained in California, as provided in 6) and 2), above, and in Title 9 of California Code of Regulations sections 883 and 884 shall be observed and protected by the operator of any facility in California in which the individuals are housed or civilly detained.
- 5) Specifies that the Attorney General may bring a civil action for injunctive and other appropriate declaratory or equitable relief in the name of the people of California in order to protect any right described above or in Title 9 of the California Code of Regulations sections 883 and 884, and specifies that the Attorney General may seek a civil penalty of no more than \$2,500 for each violation.
- 6) Specifies that this civil action does not alter the authority of the Attorney General to bring a civil action under any other law.
- 7) Requires that the Attorney General, or their designee, be provided all necessary access for the observations necessary to ensure compliance with these provisions, including but not limited to, access to detainees, patients, facilities, officials, personnel, and records.
- 8) Specifies that it is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of the California Constitution, and provides specified facts constituting this necessity.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee:

- 1) Costs to the Department of Justice (DOJ) of an unknown amount, ranging from minor to significant (General Fund), to monitor facility conditions and pursue enforcement, partially offset by minor civil penalty revenue. DOJ currently reviews facilities housing civil immigration detainees under Government Code

Section 12532 at a reported cost of at least \$1 million annually; that authority sunsets July 1, 2027. Legislation pending in this committee, SB 1399 (Durazo), would remove the sunset, and DOJ anticipates using the same resources to carry out both its Section 12532 reviews and this bill's monitoring obligations. If the sunset is instead allowed to take effect, DOJ would need to establish monitoring capacity dedicated to this bill, and implementation costs would likely be significant. Actual enforcement costs will additionally depend on whether the Attorney General pursues enforcement actions against any of the eight civil immigration detention facilities currently operating in California and the scope of any resulting litigation.

- 2) Potential court cost pressures of an unknown, but likely minor, amount (Trial Court Trust Fund (TCTF), General Fund) to adjudicate civil enforcement actions brought by the Attorney General. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the TCTF may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

SUPPORT: (Verified 8/25/26)

California Department of Justice (co-source)

Immigrant Defense Advocates (co-source)

Acacia Center for Justice

Alianza Sacramento

California Collaborative for Immigrant Justice

California Families Against Solitary Confinement

California Immigrant Youth Justice Alliance

California Immigration Youth Justice Alliance

California Rural Legal Assistance Foundation

Center for Gender & Refugee Studies-California

CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO

Courage California

Dignity not Detention Coalition

Disability Rights California

Episcopal Diocese of San Joaquin

Freedom for Immigrants

Friends Committee on Legislation of California

Health in Partnership
Immigrant Defense Advocates
Indivisible CA Statestrong
La Cosecha
La Raza Community Resource Center
Mission Action
Oasis Legal Services
ORALE: Organizing Rooted in Abolition Liberation and Empowerment
Orange County Rapid Response Network
Pangea Legal Services
Pedraza Law
Public Counsel
Riverside Sheriffs' Association
SB County Immigrant Legal Defense Center
Secure Justice
SOLACE (Souls Offering Loving and Compassionate Ears)
Southeast Asia Resource Action Center
Southern California Human Rights Center
St. James Episcopal Church Sonora CA
The Robert & Ethel Kennedy Human Rights Center
Transitions Clinic Network
USC Gould School of Law Immigration Clinic
VENTURA COUNTY CLUE
Worksafe
One individual

OPPOSITION: (Verified 8/25/26)

None received

ARGUMENTS IN SUPPORT:

According to the Attorney General of California, which is a co-source of SB 942:

[SB 942] strengthens oversight and accountability for civil confinement facilities operating in California. Individuals held in these facilities deserve safe, humane conditions and appropriate standards of care. SB 942 codifies requirements ensuring that facilities operating within California are subject to meaningful oversight and compliance with applicable health and safety standards.

SB 942 promotes transparency and accountability while helping to protect the health, safety and dignity of individuals in civil confinement. This bill established a clear framework to ensure that facilities entrusted with care and custody of vulnerable populations meet appropriate standards and are held accountable when they fail to do so.

ASSEMBLY FLOOR: 64-11, 8/25/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Dixon, Ellis, Flora, Hadwick, Johnson, Lackey, Macedo, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Chen, Hoover, McKinnor, Patterson

Prepared by: Ian Dougherty / JUD. / (916) 651-4113
8/25/26 20:31:47

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