

Date of Hearing: August 25, 2026

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

SB 957 (Pérez) – As Amended August 21, 2026

SENATE VOTE: Not relevant

SUBJECT: CIVIL DETENTION FACILITIES

SYNOPSIS

Since the first Trump Administration, the Legislature has made consistent efforts to protect the health and safety of immigrant detainees in detention centers throughout the State. Despite these efforts, harrowing stories of deplorable conditions endured by people in privately operated detention centers have only continued to grow in number and level of appall. This year, the Legislature is considering a number of measures to further fortify protections of detainees' rights. This measure aims to provide another such tool by requiring the Attorney General (AG) to develop a proposal for oversight of private civil detention facilities, considering existing oversight frameworks carried out by state agencies, departments, or boards, and to submit that proposal to the Legislature by December 31, 2027.

The author indicates this bill will be sponsored by the Coalition for Humane Immigrants' Rights Los Angeles (CHIRLA), Public Counsel, and South Asian Network. Should this bill be approved by this Committee, it will be heard next by the Assembly Committee on Health.

SUMMARY: Establishes the Protecting Vulnerable Immigrant Detainees Model Act to require the Attorney General (AG) to submit a report to the Legislature detailing an oversight plan for private civil detention facilities. Specifically, **this bill:**

- 1) Makes various findings and declarations relevant to California's interest in and obligation to protect the health, safety, and welfare of individuals in civil detention facilities in the state.
- 2) Requires the Attorney General (AG) to submit a proposed oversight plan for private civil detention facilities that protects the health, safety, and welfare of persons detained in those facilities to the Legislature on or before December 31, 2027.
- 3) Requires the AG to consider applicable federal and state laws and, at a minimum, consider the provision of health care and the conditions of detention in those facilities in developing the oversight plan.
- 4) Requires that the oversight plan include proposed requirements for civil detention facilities that are comparable to facilities that are currently under the oversight of state agencies and departments and to consider how detention facilities operate and the populations they hold in developing those requirements.
- 5) Authorizes the AG to make other recommendations necessary to implement the oversight plan.

- 6) Requires the Governor, or their designee, to direct the appropriate state agency, department, board, or commission to cooperate with the Attorney General for the purposes of developing the oversight plan by doing all of the following:
 - a) Designate a senior representative for the state entity to facilitate the provision of information requested by the Attorney General in the discharge of their duties;
 - b) Provide information requested by the AG within 30 days or a timeframe otherwise agreed upon by the parties;
 - c) Review and provide input on the oversight plan.
- 7) Requires the AG to keep confidential any information received from a state agency that the state agency considers confidential, and requires the AG to withhold from public disclosure information that is otherwise exempt under the California Public Records Act (CPRA).

EXISTING LAW:

- 1) Defines a “detention facility” as a facility in which persons are incarcerated or otherwise involuntarily confined for purposes of execution of a punitive sentence imposed by a court or detention pending a trial hearing or other judicial or administrative proceeding. Defines a “private detention facility” as a detention facility that is operated by a private, nongovernmental, for-profit entity pursuant to a contract or agreement with a governmental entity. Excludes various types of facilities from the definition of detention facility, including a facility providing specified health services, residential care facilities, and facilities used for quarantine. (Government Code Section 7320.)
- 2) Requires, until July 1, 2027, the AG 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 California. Requires the review to include conditions of confinement and requires the Department of Justice (DOJ) to provide a written summary of findings regarding the progress of these reviews and any relevant findings. (Government Code Section 12532.)
- 3) Licenses and regulates various types of health facilities by the Department of Public Health (DPH), including general acute care hospitals, acute psychiatric hospitals, and skilled nursing facilities. Requires every health facility for which a license or special permit has been issued by DPH, to be periodically inspected by DPH. (Health and Safety Code Section 1250 *et seq.*)
- 4) Authorizes county health officers to make investigations of a private detention facility, or other detention facility of the county as they determine necessary. Requires the county health officer to submit a report to the Board of State and Community Corrections, the sheriff or other person in charge of the detention facility and to the board of supervisors. (Health and Safety Code Section 101045 (a).)
- 5) Requires the county health officer or city health officer, whenever requested by the sheriff, the chief of police, local legislative body, or the Board of State and Community Corrections, but not more than twice annually, to investigate health and sanitary conditions in a jail or detention facility as described, and submit a report to each of the officers and agencies

authorized to request the investigation and to the Board of State and Community Corrections. (Health and Safety Code Section 101045 (b).)

- 6) Requires the investigating officer to determine if the food, clothing, and bedding is of sufficient quantity and quality that at least shall equal minimum standards and requirements prescribed by the Board of State and Community Corrections for the feeding, clothing, and care of prisoners in local jails and detention facilities, and if the sanitation requirements required under existing law for restaurants have been maintained. (Health and Safety Code Section 101045 (c).)
- 7) Imposes standards for the routine cleaning of articles and surfaces such as furniture, floors, walls, ceilings, supply and exhaust grills and lighting fixtures for each hospital in the state. (California Code of Regulations Section 71631 of Title 22.)
- 8) Provides standards and guidelines for dietetic services for psychiatric health facilities in the state. (California Code of Regulations Section 77077 of Title 22.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: Every single person in detention, whether civil or criminal, is entitled to certain rights and protections while they are held by the state. The Supreme Court has long held that the government violates both the Due Process Clause and the Eighth Amendment when it fails to provide for a detainee's basic human needs "e.g., food, clothing, shelter, medical care, and reasonable safety." (*DeShaney v. Winnebago County Department of Social Services* (1989) 489 U.S. 189, 200.) Additionally, the Ninth Circuit has held that civil detainees may not be housed in punitive conditions, defined as conditions that are intended to punish, or where "it is 'excessive in relation to [its non-punitive] purpose.'" (*Jones v. Blanas* (2004) 393 F.3d 918, 932, internal citations omitted.) Detainees' First Amendment rights are likewise protected. The Religious Freedom Restoration Act (RFRA) and the Religious Land Use and Institutionalized Persons Act (RLUIPA) function in tandem to protect detained individuals' rights to practice their religion while detained.

Until recently, civil detention was the lesser-known cousin of criminal detention and includes not only civil *immigration* detention, but also detention in a variety of medical facilities. Since implementation of the Trump administration's austere immigration policies have skyrocketed the numbers of immigrants in detention across the country, accounts of civil rights violations, as well as horrifying stories of deplorable health and safety conditions, have spread. According to the author:

Private civil detention facilities, including privately operated immigration facilities, house individuals who depend on these facilities for shelter, food, medical care, and basic safety. Because individuals in these settings cannot freely leave, California has a compelling interest in protecting their health, safety, and welfare.

The California Attorney General's (AG) review of immigration detention facilities has documented recurring concerns, including inadequate medical and mental healthcare, insufficient suicide prevention protocols, a lack of transparency regarding use-of-force practices, and impacts to due process rights, including the ability to access legal counsel. In a report released earlier this year, the AG tragically found that there were six deaths of detainees between September 2025 and March 2026. These concerns are increasingly urgent

as federal immigration enforcement expands, with ICE arresting approximately 582,040 people nationwide over the past year and a half.

Despite these troubling trends, there are plans to expand detention capacity nationwide, making the need for stronger oversight more urgent. While the AG's existing review and reporting authority provides important transparency into conditions within immigration detention facilities, there is not an established ongoing regulatory structure for inspections, compliance, and enforcement at the state level. Counties have the authority to inspect privately run immigration detention facilities for compliance with health standards, but it is not being exercised consistently.

This bill would direct the AG to work with relevant state agencies and departments to evaluate existing oversight requirements for comparable facilities and develop a proposed oversight plan for privately operated civil detention facilities. The plan would account for applicable state and federal law, healthcare, and conditions of detention, facility operations, and the populations they hold. In doing so, the state will develop a comprehensive state oversight framework that protects the health, safety and welfare of individuals held in these facilities.

Current oversight of civil detention facilities in California. Existing statute provides a patchwork of oversight of the state's detention facilities. As part of its response to the first Trump Administration, the Legislature approved AB 103 (Committee on Public Safety) Chap. 17, Stats. 2017, which, in part, requires the Attorney General to conduct oversight and reviews of private detention facilities, including "any county, local, or private locked detention facility," in which noncitizens are being detained for purposes of civil immigration proceedings. (Government Code Section 12532.) More specifically, AB 103 required the AG to include in its review: 1) a review of the conditions of confinement; 2) a review of the standard of care and due process provided to the individuals detained; and 3) a review of the circumstances around their apprehension and transfer to the facility. (Government Code Section 12532 (b)(1).) The third prong of this investigation was ultimately struck down by the Ninth Circuit on the grounds that it violated intergovernmental immunity. (*United States v. California* (2019) 921 F. 3d 865, 884.) The statute also requires the AG to provide a report about the findings of the investigation to the Legislature. (*Id.* at (b)(2).) This oversight is in addition to the previously existing responsibility for the Board of State and Community Corrections to establish minimum standards for local correctional facilities and inspect local detention facilities at least biennially. (Penal Code Sections 6030, 6031.) Among its numerous astounding findings, the most recent report found that the detention facilities' consistent failure to meet applicable federal detention standards was "creating worsening conditions to the detriment of detainees' health and constitutional rights." (Cal. Department of Justice, 2026 Immigration Detention in California: A Review of Conditions of Confinement (2026), p. 5 available at: <https://oag.ca.gov/system/files/media/immigration-detention-2026.pdf?>.)

Current law also requires local health officers (LHOs) to investigate health and sanitary conditions in county jails, publicly operated detention facilities, and private work furlough facilities at least annually. (Health and Safety Code Section 101045 (a).) LHOs also have the authority under Health and Safety Code Section 101045 (b) to investigate health and sanitary conditions in a jail or detention facility when requested by the sheriff, chief of police, local legislative body, or the Board of State and Community Corrections.

This year has seen a wave of new legislative efforts to protect California's immigrant population, including those in detention facilities throughout the state. To note just a few: SB 1399 (Durazo) would revoke the sunset provision in AB 103, currently set to repeal the statute in July 2027, thereby making the oversight mechanism permanent; SB 942 (Caballero) would establish the civil detainees' bill of rights, enumerate the rights to which each person subject to civil detention in California is entitled, and make operators liable for any failure to uphold those protections; SB 995 (Perez) would have established a separate framework for the Department of Public Health to conduct oversight and inspections of involuntary residential facilities throughout the state. SB 995 was held on suspense earlier this month.

This bill directs the Attorney General to develop a proposed oversight plan for private civil detention facilities. Specifically, the bill requires the plan to include requirements for civil detention facilities that are comparable to facilities under the oversight of state agencies and departments, considering how detention facilities operate and the populations they hold. The bill also requires the Governor, or their designee, to direct the "appropriate" state agency, department, board, or commission, to cooperate with the AG by designating a senior representative to facilitate the transmission of requested information, provide information within 30 days or another agreeable timeframe, and review and provide input on the oversight plan. In sum, this bill tasks the AG with developing an oversight framework for private civil detention facilities sufficient to protect the wellbeing of detainees that considers comparable existing frameworks assigned to various, unspecified, state agencies.

A couple points to consider. There is no doubt that the current state of immigration detention facilities in California is deplorable, and certainly any effort to ensure detainees' health and safety are protected is commendable. However, it is not entirely clear that the aim of this proposal – namely that the AG develop a proposed plan to conduct oversight of private civil detention facilities in California – necessitates legislation. As evidenced by the regular reports published since 2019, the AG has already engaged in extremely meaningful oversight of the state's immigration detention facilities. Moreover, there does not appear to be any reason that the AG cannot already conduct the necessary research and collaborate with any state agency of its choosing to develop an oversight plan that considers existing regulatory frameworks. Nevertheless, to the extent such a mandate encourages collaboration, perhaps that suffices as justification. However, to this point, it seems that even with a statutory mandate such collaboration may be challenging to achieve on the timelines contemplated by the bill.

This bill mandates coordination between agencies that may be undergoing significant change in leadership as a result of the upcoming gubernatorial transition at the very moment the bill would go into effect. Therefore, it is possible that, due to nothing more than human nature, the statutory mandate proposed by this bill may fall through the cracks, aided in part by the broad permissions granted to the AG to request seemingly any information from any "appropriate" state agency, department, board, or commission. Recognizing both the importance of the bill's aim and the corresponding significance of ensuring agencies are able to respond thoroughly and accurately, *the author may wish to consider delaying this effort until the new legislative session and the new governor takes office to allow for a meaningful opportunity to collaborate with the new administration.*

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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