

SENATE THIRD READING
SB 957 (Pérez)
As Amended August 25, 2026
Majority vote

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.

Major Provisions

- 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 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) Authorizes the AG to make other recommendations necessary to implement the oversight plan.
- 4) Requires the Governor, or their designee, to direct the appropriate state agency, department, board, or commission to cooperate with the AG for the purposes of developing the oversight plan.

COMMENTS

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 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.

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.

Arguments in Support

This bill is sponsored by the Coalition for Humane Immigrant Rights (CHIRLA) and Public Counsel. In support of the measure CHIRLA submits:

California has a compelling interest in protecting the health, safety, and welfare of individuals held in civil detention facilities, including privately operated immigration detention facilities. In 2025, the number of people held in Immigration and Customs Enforcement (ICE) custody nearly doubled from the start of the year, reaching approximately 66,000 and setting a record for the system. At present, California holds 6,400 people daily across all seven centers, a figure expected to increase as some operators expand space at two facilities in Kern County.

Since 2017, the Attorney General has reviewed and reported on conditions of confinement, due process, and standard of care in civil immigration detention facilities across the state. These reviews have documented serious deficiencies, including inadequate medical and mental health care, 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 Attorney General tragically found that there were six deaths of detainees between September 2025 and March 2026.

While the Attorney General 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 detention facilities, but it is not being exercised consistently. Developing an appropriate framework for privately operated civil detention facilities requires careful consideration of applicable state and federal law and working with state agencies and departments that oversee comparable facilities.

SB 957 would direct the Attorney General, by December 31, 2027, to develop a statewide oversight plan for privately operated detention facilities, that considers applicable laws, health care, conditions of detention, and facility operations.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee, absorbable costs to the Department of Justice (DOJ). Costs of an unknown but likely absorbable amount to the state entity designated by the Governor to cooperate with the AG to develop the oversight plan and report.

VOTES**SENATE FLOOR: 30-9-1**

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Niello

ASM PRIVACY AND CONSUMER PROTECTION: 11-2-2

YES: Bauer-Kahan, Bryan, Irwin, Lowenthal, McKinnor, Ortega, Pellerin, Petrie-Norris, Ward, Wicks, Wilson

NO: Macedo, DeMaio

ABS, ABST OR NV: Hoover, Patterson

ASM JUDICIARY: 9-3-0

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Dixon, Sanchez

ASM APPROPRIATIONS: 11-3-1

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Dixon, Ta, Tangipa

ABS, ABST OR NV: Hoover

UPDATED

VERSION: August 21, 2026

CONSULTANT: Cindy Morante / JUD. / (916) 319-2334

FN: