

UNFINISHED BUSINESS

Bill No: SB 957
Author: Pérez (D)
Amended: 8/25/26
Vote: 21

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 7-1, 4/13/26
AYES: Cabaldon, Gonzalez, McNerney, Padilla, Reyes, Umberg, Wiener
NOES: Ochoa Bogh
NO VOTE RECORDED: Jones

SENATE JUDICIARY COMMITTEE: 12-0, 4/21/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/14/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

SENATE FLOOR: 30-9, 5/19/26
AYES: 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
NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Ochoa Bogh, Seyarto,
Strickland, Valladares
NO VOTE RECORDED: Niello

ASSEMBLY FLOOR: Passed, 8/30/26

SUBJECT: Civil detention facilities

SOURCE: Coalition for Humane Immigrant Rights

DIGEST: This bill establishes the Protecting Vulnerable Immigrant Detainees Model Act, which requires the Attorney General to submit a report to the Legislature detailing a proposed oversight plan for private civil detention facilities on or before December 31, 2027.

Assembly Amendments gutted and amended the bill into its current form.

ANALYSIS:

Existing law:

- 1) Establishes regulations for the health, safety, and welfare of individuals residing in public and private facilities located within the state, as well as minimum standards for those facilities. (*E.g.*, Government (Gov.) Code, § 9506; Health & Safety (Saf.) Code, div. 2, chs. 2, 3, & 3.2; Penal (Pen.) Code, §§ 5058 & 6030.)
- 2) Authorizes various state and local public entities to inspect residential facilities located within the state. (*E.g.*, Gov. Code, § 12532; Health & Saf. Code, §§ 1271, 1278, 101045; Pen. Code, § 6031.1.)
- 3) Authorizes the Attorney General to conduct inspections of county, local, or private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California, and requires the Attorney General to report on the results of those inspections. (Gov. Code, § 12532.)

This bill:

- 1) Finds and declares all of the following:
 - a) California has a compelling interest in protecting the health, safety, and welfare of individuals residing in civil detention facility environments.
 - b) Existing law provides that civil detainees have the same legal rights and responsibilities guaranteed to all other individuals by the United States Constitution and laws and the Constitution and laws of the State and California.
 - c) In 2017, pursuant to AB 103 (Assembly Committee on Budget, Chapter 17, Statutes of 2017), the Legislature directed the Attorney General, or their designee, to review and report on the conditions of confinement, how those conditions affect due process, and the standards of care offered to

individuals held in civil immigration detention facilities across the state. The Attorney General's reports shed light on the conditions to which individuals held in privately operated detention facilities are subjected, including recurring substandard conditions and limited access to critical health care.

- d) Multiple state agencies and departments, including the State Department of Public Health, currently oversee, inspect, and fine civil facilities if violations of regulations promulgated by that agency or department are found.
 - e) While most civil correctional facilities across the state have oversight mechanisms to ensure the health, safety, and welfare of individuals held within them, no such oversight currently exists over all privately operated civil detention facilities in the state. As the Ninth Circuit recognized in *United States v. California*, 921 F.3d 865, 886 (9th Cir. 2019), "California possesses the general authority to ensure the health and welfare of inmates and detainees in facilities within its borders." Therefore, California needs a comprehensive oversight mechanism to protect the health, safety, and welfare of those held in all privately operated civil detention facilities across the state that aligns with the oversight mechanisms of similarly situated entities.
- 2) Requires the Attorney General, on or before December 31, 2027, to submit to the Legislature a report including proposed oversight plan for private civil detention facilities that protects the health, safety, and welfare of persons detained in those facilities, subject to the following:
- a) The Attorney General shall 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.
 - b) The oversight plan shall propose requirements for private civil detention facilities that are comparable to facilities that are currently under the oversight of state agencies and departments and shall give consideration to how detention facilities operate and the populations they hold in developing those requirements.
 - c) The Attorney General may make other recommendations necessary to implement the oversight plan.
- 3) Requires the Governor, or the Governor's 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 described in 2) by doing all of the following:

- a) Designate a senior representative for the relevant state entity to facilitate the provision of information requested by the Attorney General in the discharge of their duties established by this measure.
 - b) Provide information requested by the Attorney General within 30 days or a timeframe otherwise agreed upon by the parties.
 - c) Review and provide input on the oversight plan described in 2).
- 4) Requires the Attorney General to keep confidential any information received from a state agency pursuant to 3) that the state agency considers confidential, and withhold from public disclosure all information that is otherwise exempt from disclosure under the CPRA.
- 5) Provides that the requirement for submitting a report under 2) becomes inoperative on January 1, 2031.

Comments

Consistent with California's interest in protecting the health and welfare of persons within its borders, California has a number of statutes regulating facilities that house, confine, or detain individuals where the residents are particularly vulnerable, such as skilled nursing facilities, residential mental health treatment facilities, and detention facilities. The state also has a number of statutes permitting various state and local officials to inspect such facilities to ensure compliance with health and safety standards.

Existing law also permits the California Department of Justice (DOJ) to inspect county, local, or private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California.¹ In its most recent report, the DOJ explained the obligations placed on private facilities that contract with the federal government to provide detention space for persons held in connection with civil immigration proceedings:

Immigration detention facilities are supposed to operate in accordance with applicable standards, including standards for the provision of health care services. Such standards include constitutional requirements, federal and state law requirements, federal detention

¹ Gov. Code, § 12532.

standards, and applicable professional standards. Indeed, the contracts for these facilities include language requiring them to follow applicable federal and state laws.²

This year has seen a number of legislative efforts to protect California's immigrant population, including those in detention facilities throughout the state, including: SB 1399 (Durazo), which eliminates the sunset provision on the statute authorizing the Attorney General to inspect civil immigration detention centers; SB 942 (Caballero), which establishes a civil detainees' bill of rights; and SB 995 (Perez), which 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 in the Assembly Appropriations Committee).

Rather than establish an additional inspection regime, this bill directs the Attorney General to develop a proposed oversight plan for private civil detention facilities. The plan must include proposed requirements for facilities that are comparable to facilities under the oversight of state agencies and departments, taking into consideration 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 Attorney General 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. The Attorney General must submit a report to the Legislature detailing the proposed plan by December 31, 2027.

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

According to the Assembly Appropriations Committee, this bill presents:

- 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.

SUPPORT: (Verified 8/28/26)

Coalition for Humane Immigrant Rights (CHIRLA) (source)

² DOJ, Immigration Detention Report (Apr. 2025, rev. May 2025) pp. 13-14, *available at* <https://oag.ca.gov/system/files/media/immigration-detention-2025.pdf> (link current as of August 28, 2026).

California Community Foundation
South Asian Network

OPPOSITION: (Verified 8/28/26)

None received

ARGUMENTS IN SUPPORT: According to CHIRLA:

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.

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
8/30/26 15:59:35

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