Date of Hearing: June 30, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 995 (Pérez) – As Amended May 14, 2026

As Proposed to be Amended to Add an Urgency Clause

SENATE VOTE: 39-0

SUBJECT: INVOLUNTARY RESIDENTIAL FACILITIES: HEALTH AND SAFETY INSPECTIONS

SYNOPSIS

In October 2025, Masuma Khan was detained while appearing for her annual check-in with Immigration and Customs Enforcement (ICE). While she was detained, Ms. Khan suffered challenging conditions, in a shockingly cold environment with insufficient clothing and a lack of access to her medications or medical care. She returned home in November after a federal judge ordered her release. Ms. Khan's experience is far from unique, and as the federal administration continues its austere immigration policies countless more people have shared stories about the conditions in immigration detention centers. In May of this year, the Attorney General released its nearly-annual report detailing findings of the conditions in the seven immigration detention centers in California, raising an alarm that as the numbers of detainees skyrocket, the conditions they are subjected to only worsen. This bill seeks to extend oversight authority over all *involuntary residential facilities in the state, which would include private detention facilities. Recognizing the risk to residents' health and safety, the author also proposes to adopt an urgency clause.*

This bill is sponsored by Mexican American Legal Defense and Education Fund (MALDEF), the Coalition for Humane Immigrant Rights Los Angeles (CHIRLA), Public Counsel, and South Asian Network. It is further supported by a broad coalition of immigrants' rights advocates, legal services providers, civil rights advocates, and labor unions. The Chief Probation Officers of California (CPOC) have submitted a position of oppose unless amended, raising concern over the inclusion of county juvenile facilities. There is no other formal opposition on file. This bill was previously heard by the Assembly Committee on Health where it was approved on a vote of 14-0.

SUMMARY: Establishes the Masuma Khan Justice Act (Act). Specifically, **this bill**:

1) Makes the following findings and declarations on behalf of the Legislature:

   a) The State of California has a compelling interest in protecting the health, safety, and welfare of individuals residing in involuntary residential environments;

   b) Facilities that house large numbers of individuals in restricted settings present heightened risks related to fire safety, structural integrity, sanitation, infectious disease, environmental hazards, and worker safety;

c) The state has long exercised its police powers to regulate building safety, public health, environmental compliance, and professional licensing, and these powers apply to all facilities operating within the state, regardless of ownership or contracting entity;

d) This part establishes neutral, generally applicable standards for health and safety inspections of involuntary residential facilities;

e) Nothing in this part is intended to regulate detention operations, security procedures, classification of residents, or any other function reserved to federal, state, or local governmental entities.

2) Defines all of the following for purposes of the Act:

a) "Class AA violation" means a violation that is a substantial factor in causing a death.

b) "Class A violation" means a violation that poses an imminent risk of death or serious harm.

c) "Class B violation" means a violation that has a direct or immediate relationship to health or safety but does not constitute a class A or class AA violation.

d) "Involuntary residential facility" means a facility that meets all of the following criteria:

i) Houses 50 or more individuals overnight;

ii) Restricts residents' ability to enter or leave the facility at will, regardless of the legal authority under which the individual is housed;

iii) Provides onsite food service, medical care, mental health services, or residential supervision.

e) Specifies that an "involuntary residential facility" includes, but is not limited to, a secure state hospital, civil commitment facility, or a secure residential treatment program, to the extent the facility meets the criteria described in the Act.

i) Exempts the following from the definition of "involuntary residential facility":

(1) A facility that is a state prison, as listed in Penal Code Section 5003, or a local detention facility, as defined in Penal Code Section 6031.4.

(2) A juvenile facility as defined in Welfare and Institutions Code Section 208.55 that is operated by a local government, except for a secure youth treatment facility operated pursuant to Welfare and Institutions Code Section 875, including a secure youth treatment facility that is located within or operated in conjunction with a juvenile facility. Clarifies that this paragraph does not authorize the inspection of any part of a juvenile facility that is not a secure youth treatment facility.

f) "Operator" means any person, corporation, partnership, nonprofit organization, or other entity that owns, leases, manages, or operates an involuntary residential facility.

g) "Resident" means any individual housed in an involuntary residential facility, regardless of legal status, custody status, or reason for placement.

h) "Unreasonably interfere" means conduct that materially disrupts or impedes facility operations or security functions beyond what is necessary to carry out an inspection authorized by the Act.

3) Requires the State Department of Public Health (DPH or department) to implement the Act in a manner that avoids unnecessary duplication of existing state or local health and safety oversight. Authorizes the department, in carrying out inspections pursuant to the Act, to consider prior inspections, certifications, and compliance findings, when appropriate. Further authorizes the department, in determining its inspection priorities, to consider whether a facility has already been inspected by the department as part of its regulatory oversight of licensed or certified facilities.

4) Authorizes the department, notwithstanding any other law, to inspect an involuntary residential facility for the limited purpose of ensuring sanitary, hygienic, and safe conditions, using standards and inspection protocols consistent with those applied to residential health facilities licensed under Division 2 of the Health and Safety Code and authorizes the department to enforce penalties for any violations. This section does not require licensure under Division 2 or otherwise subject an involuntary residential facility to the regulatory scheme applicable to facilities licensed under that division.

5) Authorizes the department to conduct inspections for any of the specified purposes without prior notice.

6) Requires inspections conducted pursuant to the Act to be carried out in a manner that does not unreasonably interfere with facility operations or any federal, state, or local law enforcement or security functions.

7) Provides a non-exhaustive list of relevant factors in determining whether an inspection unreasonably interferes with operations or security functions.

8) Requires the department, in exercising its authority under the Act, to utilize the specified inspection and citation protocols, including in the issuance of class AA, class A, and class B citations.

9) Prohibits internal security protocols from being used to deny inspectors access to any area where residents are housed, fed, or receive medical care. Requires the department to comply with reasonable security procedures necessary to ensure safety and facility operations.

10) Specifies that the section does not prohibit the review of deidentified or aggregate health, safety, or incident records reasonably necessary to assess compliance with this part, if the review is conducted in a manner that protects resident privacy. Specifies a non-exhaustive list of the types of records included under the provision.

11) Requires the department to refer conditions that it identifies during an inspection that may fall within the jurisdiction of another agency to the appropriate state or local agency with jurisdiction over the facility for further review or action. Specifies that such a referral does

not expand the authority of the department beyond the scope of the Act and does not authorize the department to enforce laws or regulations outside its jurisdiction.

12) Requires the department to prepare a written report of its findings and transmit the report to the Legislature within 30 days of completing an inspection under the Act.

13) Requires an operator to provide access to the department for an inspection authorized pursuant to the Act.

14) Requires an operator to maintain all records necessary to demonstrate compliance with applicable health and safety standards, including the standards adopted pursuant to relevant provisions of the Act, and to make those records available to the department upon request.

15) Requires an operator to correct any violation identified by the department within the timeframes established by the department.

16) Makes an operator that violates any provision of the Act or a regulation adopted pursuant to the act, after appropriate notice and an opportunity for a hearing, subject to an administrative penalty in an amount not to exceed the following:

    a) $25,000 for a class AA violation.

    b) $10,000 for a class A violation.

    c) $1,000 for a class B violation.

    d) Specifies that each day a violation remains uncorrected may constitute a separate violation.

17) Authorizes the department to issue a safety warning that identifies the uncorrected condition and require prompt corrective action by an operator that fails to correct a violation within the time specified in a citation.

18) Makes a safety warning issued pursuant to the Act constitute an administrative notice issued as part of, and subordinate to, the citation and enforcement framework specified. Clarifies that a safety warning does not constitute a separate violation, but may be considered in determining compliance status and the need for further enforcement action.

19) Authorizes the department to refer violations to the Attorney General (AG) and authorizes the AG to bring a civil action for declaratory or injunctive relief to compel abatement of a hazard.

20) Requires DPH to adopt rules and regulations necessary to implement the Act. Requires the regulations to ensure that all involuntary residential facilities comply with measurable standards for sanitary, hygienic, and safe conditions.

21) Requires the regulations to establish objective, measurable standards for all involuntary residential facilities to ensure the health and safety of residents, and includes a non-exhaustive list of standards the regulations must include.

22) Requires the department to consult with stakeholders in developing the standards, including civil rights advocates, public health experts, and organizations representing the interests of persons held in involuntary residential facilities.

23) Includes a severability clause.

24) Includes an urgency clause.

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) Requires each county board of supervisors to appoint a county health officer and requires county health officers to enforce and observe orders of the board pertaining to public health and sanitary matters, including regulations prescribed by DPH, and statutes relating to public health. (Health and Safety Code Section Sections 101000 and 101030.)

4) Establishes provisions for investigations of detention facilities by county health officers as follows:

   a) Requires county health officers to investigate health and sanitary conditions in every publicly operated detention facility in the county or city (including county and city jails), and all private work furlough facilities and programs, at least annually. Requires private work furlough facilities and programs to pay an annual fee commensurate with the annual cost of investigations;

   b) 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.

   c) 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.

d) Requires county health officers to submit a report to the Board of State and Community Corrections (BSCC), the person in charge of the jail or detention facility, and to the board of supervisors or city governing board (in the case of a city that has an LHO); and

5) Establishes the Lanterman-Petris-Short (LPS) Act to end the inappropriate, indefinite, and involuntary commitment of persons with mental health disorders, developmental disabilities, and chronic alcoholism, as well as to safeguard a person's rights, provide prompt evaluation and treatment, and provide services in the least restrictive setting appropriate to the needs of each person. Permits involuntary detention of a person deemed to be a danger to self or others, or "gravely disabled" for periods of up to 72 hours for evaluation and treatment, or for up-to 14 days and up-to 30 days for additional intensive treatment in "county-designated facilities." (Welfare and Institutions Code Section 5000 *et seq*.)

6) Licenses and regulates various types of health facilities by 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*.)

7) Licenses and regulates psychiatric health facilities (PHFs) and mental health rehabilitation centers (MHRCs) by the Department of Health Care Services (DHCS). PHFs provide 24-hour inpatient care for persons under the LPS Act. MHRCs are 24-hour programs that provide intensive support and rehabilitative services to assist adults with mental disorders who would have been placed in a state hospital or another mental health facility to develop skills to become self-sufficient. (Welfare and Institutions Code Sections 4080, 5675.)

8) Establishes a civil penalty structure for long term care (LTC) facilities, which include skilled nursing facilities and intermediate care facilities, among others, categorized into Class "AA," "A," and "B" violations: "A" violations are where DPH determines that the violation presents either imminent danger of death or serious harm, or a substantial probability that death or serious harm to residents would result; "AA" violations (the most severe) are those that meet the criteria for a class "A" violation that DPH determines was a substantial factor in the death of a resident of an LTC facility; and, "B" violations are those that DPH determines have a direct or immediate relationship to the health, safety, or security of LTC facility residents, but do not meet the criteria for A or AA. (Health and Safety Code Section 1424.)

9) 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).)

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

COMMENTS: On October 6, 2025, 64-year-old Masuma Khan appeared for her annual check-in with Immigration and Customs Enforcement (ICE). Instead of completing the routine visit, Ms. Khan, who had lived in the United States for 28 years, had no criminal record, and had just

recently survived the Eaton fires, was detained by ICE and held at the California City Correctional Facility. Ms. Khan's description of her time in detention is harrowing: upon her initial detention she was kept in a cold room for a day and denied access to her lawyer and a phone until she signed her deportation papers. While at the facility, she was denied access to medications for high blood pressure, asthma, peripheral arterial disease, general anxiety and hyperthyroidism. Khan is also prediabetic, and during her detention, her blood pressure spiked, and she began to experience stroke-like symptoms. After weeks in challenging conditions, a federal judge ordered Ms. Khan released. (Ruben Vives, *This immigrant survived the Eaton fire. Can she also escape Trump's deportation surge?* Los Angeles Times (January 6, 2026) available at: https://www.latimes.com/california/story/2026-01-06/immigrant-who-survived-eaton-fire-now-faces-deportation.)

Ms. Khan's experience is unfortunately not an outlier. A recent report from the California Department of Justice details countless such stories from the seven private immigration detention centers in California. The report points to six deaths, four at Adelanto ICE Processing Center and two at the Imperial Regional Center, that "raise serious concerns about these facilities' ability to safely detain a growing detainee population and highlight the need for greater accountability and oversight." (Cal. Department of Justice, 2026 Immigration Detention in California: A Review of Conditions of Confinement (2026) Executive Summary, p. 4, available at: https://oag.ca.gov/system/files/media/immigration-detention-2026.pdf.)

According to the author:

> Large involuntary residential facilities, including secure treatment facilities, secure state hospitals, and privately operated detention facilities, house thousands of people who depend on the facility for shelter, food, medical care, and basic safety. Because individuals in these settings cannot freely leave, the state has a responsibility to ensure that conditions are safe, humane, and consistent with basic health and safety standards.
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> Private immigration detention facilities are one example where this responsibility has often fallen short. People held in these facilities are suffering and, in some cases, are being treated inhumanely. An unprecedented number of people died in detention in 2025, and that number could be surpassed in 2026, with eight deaths already recorded in January.
>
> Despite this troubling trend, there are plans to expand detention capacity nationwide, including converting large facilities and warehouses into new detention sites, making the need for stronger oversight more urgent.
>
> Currently, California's inspection authority applies only to counties, yet three of the four counties with this authority have not conducted any reviews. This bill would ensure California can meaningfully inspect private detention facilities and impose fines on facilities that fail to comply with the state's health and safety standards.

This bill authorizes the Department of Public Health (CDPH) to inspect involuntary residential facilities "for the limited purpose of ensuring sanitary, hygienic, and safe conditions, using standards and inspection protocols consistent with those applied to residential health facilities[.]" It defines "involuntary detention facilities" as a facility that 1) houses 50 or more individuals overnight, 2) restricts residents' ability to enter or leave the facility at will, regardless of the legal authority under which the individual is housed, and 3) provides onsite food service, medical care, mental health services, or residential supervision. However, the bill exempts various types of

"involuntary residential facilities," including state prisons, local detention facilities, and juvenile facilities.

The bill further authorizes the department to conduct such investigations without prior notice, and requires investigations to be conducted in a way that does not unreasonably interfere with facility operations or any federal, state, or local law enforcement or security functions. The department is then required to complete a written report of its findings and provide it to the Legislature within 30 days. Under proposed Chapter 3 of this bill, facility operators are required to provide DPH access for an inspection and maintain all necessary records to demonstrate compliance with health and safety standards. Operators are required to correct any violation identified by the DPH in the timeframes identified by the department.

An operator that violates any of the bill's provisions is subject to an administrative penalty imposed by the department, with an amount dependent on the severity of the violation. The bill specifies that each day a violation remains uncorrected constitutes a separate violation. The department is also authorized to issue a safety warning identifying the uncorrected condition in the event the operator fails to correct a violation within the specified time.

Briefly, all of the provisions discussed above are within the jurisdiction of the Assembly Committee on Health. For further discussion on any of those elements, please refer to the analysis for the bill published June 12, 2026.

Attorney General Enforcement. Of particular relevance to this Committee, this authorizes the department to refer violations by an operator to the Attorney General (AG), and authorizes the AG to bring a civil action for declaratory or injunctive relief to compel abatement of a hazard. Because the behavior at issue could pose an ongoing concern, authorizing injunctive relief seems reasonable.

CPOC concerns. As specified above, the bill exempts a number of facilities from the definition of "involuntary detention facilities." While the exemption includes juvenile facilities operated by a local government, that exemption excludes secure youth treatment facilities operated pursuant to Welfare and Institutions Code Section 875 relating to youth offenders over the age of 14, including secure youth treatment facilities located within or operated in conjunction with a juvenile facility. In effect, the definition *includes* these secure youth treatment facilities. The Chief Probation Officers of California have a position of oppose unless amended and submit:

> County juvenile facilities are already subject to inspection by the Board of State and Community Corrections as well as oversight from public health, fire marshal and others. Applying the provisions of this bill would layer a new, concurrent regulatory process on top of existing inspection processes for these facilities, thereby creating disruption, confusion and delays in existing inspection processes.

Existing oversight authority. Current law 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.

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.)

Preemption concerns. The federal government retains exclusive jurisdiction over immigration law and policy, a reality which imposes challenging restrictions on states' efforts to enact legislation intended to respond to federal immigration actions. For at least the past decade, the California Legislature has tested the boundaries of the constitutional limitation to protect Californians to the greatest extent possible.

Briefly, the doctrine of intergovernmental immunity, derived from the Supremacy Clause of the Constitution, has been interpreted to provide limits on the extent to which the state and federal governments can encroach on each other's sovereignty. Since 1819, the Supreme Court has held that states cannot tax the federal government. (*McCulloch v. Maryland* (1819) 17 U.S. 316.) The Supreme Court has further interpreted the Supremacy Clause to, in part, prohibit the states from "interfering with or controlling the operations of the Federal Government" but a law that indirectly imposes a cost on the federal government may be constitutional "so long as the law imposes those costs in a neutral, nondiscriminatory way." (*United States v. Washington* (2022) 596 U.S. 832, 838 – 839.) A statute that discriminates against the federal government (or its proxies) functions under the scope of obstacle preemption, which holds a state statute preempted by federal law and therefore invalid, if it "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." (*United States v. California* (2019) 921 F.3d 865, 879 (internal citations omitted).)

In 2019, the Trump Administration challenged the statute that directs the AG to conduct the reports discussed above. In addition to requiring a report, that statute requires 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. On appeal before the Ninth Circuit, the administration argued that AB 103 violated the doctrine of intergovernmental immunity by impermissibly burdening the federal government. The Ninth Circuit agreed in part that "provisions that impose an additional economic burden exclusively on the federal government are invalid under the doctrine of intergovernmental immunity." (*United States v. California* (2019) 921 F. 3d 865, 884.) The circuit court ultimately determined that the provision of AB 103 requiring the AG to conduct a "review of the circumstances around [detainees] apprehension and transfer to the facility" imposed an unconstitutional burden on the federal government because, unlike the other two requirements, "[t]his [was] a novel requirement, apparently distinct from

any other inspection requirements imposed by California law." (*Id.* at 885.) As a result, the subdivision requiring the AG to review the circumstances around detainees' apprehension and transfer to the facility was preempted, but the remaining provisions were left intact.

In 2019, the Legislature enacted AB 32 (Bonta) Chap. 739, Stats. 2019, which prohibited privately owned detention facilities from operating in the state. Although the language captured *any* private detention facility, including private prisons, it functionally undermined the ability of the federal government to detain and house immigrants in California due to its outsized reliance on private detention facilities. The Trump Administration challenged the new statute and on review before the Ninth Circuit, the court held that the statute likely violated the Supremacy Clause of the United States Constitution. (*Geo Group, Inc. v. Newsom* (2022) 50 F4th 745.)

In the case of AB 32, the Ninth Circuit acknowledged a distinction between federal contractors and federal instrumentalities, stating "Federal contractors are not federal instrumentalities. […] Absent federal law to the contrary, the Supremacy Clause therefore leaves considerable room for states to enforce their generally applicable laws against federal contractors." (*Geo Group, Inc.* at p. 755.) Whether AB 32 *dictated* the actions of the federal government then came down to whether the challenged statute interfered with or controlled the operations of the federal government by deciding who got federal work. The Ninth Circuit ultimately determined that "AB 32 would give California the power to control ICE's immigration detention operations in the state by preventing ICE from hiring the personnel of its choice. […] To comply with California law, ICE would have to cease its ongoing immigration detention operations in California and adopt an entirely new approach in the state." (*Id.* at 757 – 758.) Under the court's logic, by banning private detention centers in California, the state was functionally controlling who the federal government could contract with to carry out immigration detention operations. However, citing to a prior decision by the Ninth Circuit upholding the California Values Act, the court in *Geo Grp* likewise recognized that "a state's historic police powers include 'ensur[ing] the health and welfare of inmates and detainees in facilities within its borders." (*Id.* at p. 762, internal citations omitted.)

In *Geo Grp. Inc. v. Inslee* (2025) 151 F4th 1107, the Ninth Circuit upheld a set of Washington statutes that imposed a regulatory oversight framework of the state's private detention facilities. The statutes require the state's department of health to "adopt rules as may be necessary to… ensure private detention facilities comply with measurable standards providing sanitary, hygienic, and safe conditions for detained persons. (Washington Revised Code Section 70.395.040(1).) The same statute also authorizes the state's attorney general to enforce against violations. (*Id.* at (2).) Third, the statute required the department to conduct routine, unannounced inspections of the private detention facilities and investigate complaints received related to any private detention facility in the state. (Washington Revised Code Section 70.395.050 (2)(a)(- (2)b).) The attorney general is also authorized to enforce these provisions, and also makes anyone who violates the requirements subject to a civil penalty and a civil fine. (Washington Revised Code Section 70.395.080 (1).)

GEO Group filed suit arguing that the statutory scheme was invalid under the doctrine of intergovernmental immunity and preempted. (*GEO Grp., Inc. v. Inslee* (2025) 151 F4th 1107, 1116.) In reaching its ultimate conclusion, the court reasoned that the Washington statute addresses an issue of health and safety within the state's police powers; does not impose a cost or tax directly on the federal government but rather on a federal contractor; and does not ultimately increase the cost on the federal government because the cost is borne by the contractor

themselves. (*Id.* at pp. 1117 – 1118.) The court ultimately remanded the question of whether the statute discriminated against the federal government via an imposition of the statute's new regulations on a single federally contracted private detention facility (*Id.* at 1122.) Finally, the Ninth Circuit held that the Washington statute did not suffer from either field or obstacle preemption, recognizing that states generally maintained authority to ensure the health and safety of people within their borders, an authority that Congress has not demonstrated any intent to supersede; and that nothing in the Washington statute frustrated the federal government's ability to detain people at private detention facility. (*Id.* at pp. 1123 – 1124.)

Finally, in a recent case striking down California's mandate barring face masks from being worn by law enforcement, a tactic widely used by federal agents, the United States District Court for the Central District of California ruled that the bill, "would interfere with or take control of federal law enforcement operations." (*United States of America v. State of California* (2026) No. 26-926 at p. 8.) One of the most apparent flaws of the bill identified by the courts appears to be how it treated some California law enforcement agencies, including those housed within the California Natural Resources Agency (Fish and Game Wardens, Park Rangers, and CALFIRE law enforcement), the California Department of Corrections and Rehabilitation, and the California Transportation Agency (the California Highway Patrol) differently from federal law enforcement. (*Id.* at 5, see footnote 2.)

The fate of this proposed statute is not clear, should it be challenged on a preemption claim. Although courts have looked askance at carve outs for state entities (as this bill does in large part) the bill does equally apply to all private detention facilities, regardless of who is housed there and who the facility contracts with. Moreover, the regulations proposed by the measure would apply to the operators themselves, not the federal government, as applied to private detention facilities. Additionally, it seems the proposed inspection authority is in addition to previously existing oversight and regulatory standards with which involuntary residential facilities must already comply. In any case, a court could ultimately be tasked with determining whether the bill's provisions either directly regulate or discriminate against the federal government. It is possible that the decision in *Inslee* provides some instruction on the outcome of a legal challenge to this statute, should it be enacted.

ARGUMENTS IN SUPPORT*:* This bill is sponsored by Mexican American Legal Defense and Education Fund (MALDEF), the Coalition for Humane Immigrant Rights Los Angeles (CHIRLA), Public Counsel, and South Asian Network. It is further supported by a broad coalition of immigrants' rights advocates, legal services providers, civil rights advocates, and labor unions. In support of the measure, MALDEF submits:

> Large facilities where individuals are not free to leave—regardless of the reason for their placement—must comply with basic standards that protect human health and safety. Facilities of this size and nature present heightened risks simply because of scale and confinement.
>
> SB 995 empowers the Department of Public Health to create and enforce standards This is particularly important in the context of immigration detention. In 2025, the number of people in Immigration and Customs Enforcement (ICE) custody nearly doubled from the start of the year to about 66,000, a system record. California alone holds 6,400 people daily across all seven centers, a figure expected to increase as operators expand space at two facilities in Kern County.

At its core, SB 995 is a public health and safety measure. It ensures that California's longstanding police powers are applied consistently and that no large residential facility operating within the state falls outside meaningful oversight.

REGISTERED SUPPORT / OPPOSITION:

Support

Coalition for Humane Immigrant Rights of Los Angeles (co-sponsor)
Mexican-American Legal Defense and Ed Fund (MALDEF) (co-sponsor)
Public Counsel (co-sponsor)
South Asian Network (co-sponsor)
ACLU California Action
Alliance of Californians for Community Empowerment (ACCE Action)
Asian Americans Advancing Justice-southern California
California Academy of Family Physicians
California Community Foundation
California Federation of Labor Unions, AFL-CIO
California for Safety and Justice
California Immigrant Policy Center
California Low-income Consumer Coalition
California National Organization for Women
California Work & Family Coalition
Central American Resource Center of California (CARECEN-LA)
Community Legal Services in East Palo Alto
Consumer Attorneys of California
County of Santa Clara
Courage California
Ella Baker Center for Human Rights
Equal Rights Advocates
Equality California
Friends Committee on Legislation of California
Grace Institute - End Child Poverty in CA
Harbor Institute for Immigrant and Economic Justice
Immigrant Defenders Law Center
Inclusive Action for the City
Indivisible CA Statestrong
Inland Coalition for Immigrant Justice
LA Forward Institute
Latino Coalition for a Healthy California
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Aid At Work
Long Beach Residents Empowered
Nextgen California
Nikkei Progressives
Oakland Privacy
Orale: Organizing Rooted in Abolition, Liberation, and Empowerment
Rise Economy
Riverside Sheriffs' Association

Santa Ana City Councilmember Jessie Lopez
Sikh American Legal Defense and Education Fund (SALDEF)
Smart Justice California, a Project of Beyond Impact
Thai Community Development Center
The Sikh Coalition
Vision Y Compromiso (UNREG)

Opposition

None on file

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334