

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 1399 (Durazo)
Version: March 23, 2026
Hearing Date: April 7, 2026
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Locked detention facilities: civil immigration: reviews

DIGEST

This bill removes the July 1, 2027, sunset date from the statute permitting the Attorney General to engage in reviews of local, county, or private locked detention facilities in which noncitizens are housed for immigration purposes in California.

EXECUTIVE SUMMARY

Current law provides for the inspection and review of detention facilities in the state and allocates responsibility for those reviews to a variety of agencies. The Bureau of Corrections reviews state, local, and private detention facilities; county health officials investigate local and county facilities for health and safety purposes; and the Attorney General, until July 1, 2027, is authorized to conduct reviews of local, county, or private locked detention facilities in which noncitizens are housed for immigration purposes in California. Any such review by the Attorney General must include a review of the conditions of confinement and the standard of care and due process provided to the individuals detained for immigration purposes.

This bill removes the July 1, 2027, sunset date on the Attorney General's authorization to review detention facilities in which people are detained for immigration purposes. Additionally, this bill removes a provision of the existing statute that was enjoined in a federal lawsuit, so that the statute in print reflects the state of the law.

This bill is sponsored by Attorney General Rob Bonta and is supported by the South Asian Network and UnidosUS. The Committee has not received timely opposition to this bill.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires the Attorney General or their designee, until July 1, 2027, 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, including any county, local, or private locked detention facility in which an accompanied or unaccompanied minor is housed or detained on behalf of, or pursuant to a contract with, the federal Office of Refugee Resettlement (ORR) or the United States Immigration and Customs Enforcement (ICE).
 - a) The order and number of facilities to be reviewed shall be determined by the Department of Justice (DOJ).
 - b) The Attorney General or their designee shall have authority over which facilities may be reviewed and when.
 - c) The DOJ shall provide, during the budget process, updates and information to the Legislature and the Governor, including a written summary of findings, if appropriate, regarding the progress of these reviews and any relevant findings. (Gov. Code, § 12532(a).)

- 2) Required the Attorney General or their designee, on or before March 1, 2019, to conduct a review of county, local, or private locked detention facilities listed above in 1), with the DOJ determining the order and number of facilities to be determined by the DOJ.
 - a) The review must have included (1) a review of the conditions of confinement, and (2) a review of the standard of care and due process provided to the individuals housed or detained in the facilities.¹
 - b) The Attorney General or their designee must have provided, on or before March 1, 2019, a comprehensive report of their findings to the Legislature and the Governor, and made that report publicly available, as specified. (Gov. Code, § 12532(b).)

- 3) Provides that the Attorney General or their designee shall be provided all necessary access for the observations necessary to effectuate the reviews in 1) and 2), including, but not limited to, access to detainees, officials, personnel, and records. (Gov. Code, § 12532(c).)

¹ The statute currently lists a third required element for the review, “[a] review of the circumstances around [the detainees’] apprehension and transfer to the facility.” (Gov. Code, § 12532(b)(1)(C).) This provision was enjoined by the United States Court of Appeal for the Ninth Circuit in 2019 as unconstitutional under the doctrine of intergovernmental immunity. (*See United States v. California* (2019) 921 F.3d 865, 885, *cert. denied* (2020) 590 U.S. 1015.) This bill, among other things, removes the enjoined element from the law.

- 4) Provides that 1)-3) shall become inoperative on July 1, 2027, and shall be repealed on January 1, 2028. (Gov. Code, § 12532(d).)

This bill:

- 1) Removes the July 1, 2027, sunset on the provisions requiring the Attorney General or their designee to review and report on county, local, or private locked detention facilities in which noncitizens are being housed or detained.
- 2) Removes the listed requirement that the Attorney General's review of county, local, or private locked detention facilities include a review of the circumstances around the detainees' apprehension and transfer to the facility.

COMMENTS

1. Author's comment

According to the author:

California has a responsibility to understand and protect the dignity and safety of all residents, including individuals in immigration detention.

The poor health and safety conditions in detention facilities are documented in numerous investigations that report incidents of sexual assault, physical and mental abuse, inadequate medical care, and solitary confinement. Inspections continue to reveal that long-standing problems persist, and new findings show these facilities urgently need major improvements to meet ICE's own standards for health and safety. The federal government's elimination of any meaningful oversight of these facilities and increased immigration enforcement risk worsening already inhumane conditions, endangering lives, and deepening suffering through overcrowding and neglect.

California took a definitive stance to provide public transparency by passing Government Code section 12532 which requires inspections of these facilities. Since 2017, the California Department of Justice has had the authority to report on detention facilities and the treatment of thousands of detainees under this law. The reports have covered critical observations related to pat downs, medical health records, suicide and intervention, use of force practices, discipline, solitary confinement, medical care, and due process.

SB 1399 removes the sunset provision from Section 12532 and a requirement that was invalidated by the courts, and preserves public transparency by sustaining Cal DOJ's reporting authority to ensure that the truth about conditions inside detention facilities are revealed.

2. Background on the Attorney General’s authority to review county, local, or private locked detention facilities used for civil immigration enforcement

State law provides for the inspection of all state, local, and private facilities used to detain individuals. The Bureau of State and Community Corrections inspects local detention facilities on at least a biannual basis.² The Attorney General, or their designee, engages 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, including such facilities where accompanied or unaccompanied minors are housed or detained on behalf of, or pursuant to a contract with, the ORR or ICE.³ County health officers investigate health and sanitary conditions in county jails, publicly operated detention facilities in the county (which can include immigration detention centers), and private work furlough facilities in the county at least annually, as well as at the request of the sheriff, chief of police, local legislative body, or Board of State and Community Corrections.⁴

The Attorney General’s obligation to inspect civil immigration detention facilities does not require the Attorney General to conduct inspections on a particular timeline.⁵ The statute includes a one-time requirement that the Attorney General conduct inspections and issue a public report on or before March 1, 2019, but there is no further formal reporting requirement.⁶ In 2019, the United States Court of Appeals for the Ninth Circuit declined to enjoin the Attorney General’s inspection authority as unconstitutional, except for one minor provision in the statute that will be removed by this bill (discussed further in Comment 3, below); the United States Supreme Court declined to review that holding.⁷ The statute was also amended nonsubstantively in 2021 to remove gendered language.⁸ The Attorney General’s inspection authority is currently set to end on July 1, 2027, and the statute will be repealed on January 1, 2028.⁹

3. This bill removes the sunset on the Attorney General’s authority to review county, local, or private locked immigration detention facilities and makes minor additional changes

The primary purpose of this bill is to remove the sunset on the Attorney General’s authority to review facilities in which individuals are being held for immigration purposes. The removal of the sunset preserves the consistent approach the state applies to detention facilities within the state, i.e., requiring all such facilities to be subjected to

² Pen. Code, §§ 6030, 6031.1.

³ Gov. Code, § 12532.

⁴ Health & Saf. Code, § 101045.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ See *United States v. California* (2019) 921 F.3d 865, 885, *cert. denied* (2020) 590 U.S. 1015.

⁸ AB 378 (Bauer-Kahan, Ch. 50, Stats. 2021).

⁹ Gov. Code, § 12532.

review by a state-level entity. Additionally, this bill removes the provision of the law that was enjoined by the United States Court of Appeals for the Ninth Circuit, thereby clarifying and streamlining the statute.

4. Arguments in support

According to Attorney General Rob Bonta:

California's existing detention-facility review framework, established under AB 103 (2017), requires the California Department of Justice (Cal DOJ) to report on conditions of confinement as well as the standard of care and due process provided to detained individuals through July 1, 2027. SB 1399 removes the sunset provision in AB 103 (2017) and sustains Cal DOJ's reporting requirement, so these critical reports continue beyond 2027.

Since AB 103 took effect, the Cal DOJ has published four reports on conditions at California facilities, including Adelanto, finding substandard conditions in a number of areas that fail to meet ICE's own detention standards.

Attorney General Bonta is committed to providing members of the public and policymakers with critical information about the conditions that people in civil immigration detention in California are subjected to, and as such is proud to sponsor SB 1399.

SUPPORT

Attorney General Rob Bonta (sponsor)
South Asian Network
UnidosUS

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: SB 995 (Perez, 2026) authorizes a number of specified state agencies to inspect involuntary residential facilities, as defined, to evaluate compliance with applicable health, safety, building, environmental, and labor standards. SB 995 is pending before the Senate Health Committee.

Prior legislation: AB 103 (Assembly Committee on Budget, Ch. 17, Stats. 2017) among other things, enacted the inspection statute at issue in this bill.
