

Date of Hearing: July 1, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

SB 1367 (Cervantes) – As Amended April 16, 2026

SENATE VOTE: 29-8

SUBJECT: Planning and zoning: detention facilities

SUMMARY: Prohibits cities and counties from approving new private detention facilities or changes of use that permit use of an existing building as a detention facility. Specifically, **this bill:**

- 1) Defines “detention facility” to mean any structure, whether temporary or permanent, operated by a private entity on behalf of a governmental entity for the temporary holding of persons charged with a criminal offense or detained for civil or administrative purposes.
- 2) Prohibits, notwithstanding any other law, a city or county from approving either of the following:
 - a) A new land use in a manner that authorizes construction of a detention facility.
 - b) A change of use that permits use of an existing building as a detention facility.
- 3) Provides that the provisions of the bill are severable. If any provision of this bill or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
- 4) Finds and declares that protecting California residents from the negative impacts of private detention centers is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore this bill applies to all cities, including charter cities.
- 5) Provides that no reimbursement is required by the bill pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill, within the meaning of Section 17556 of the Government Code.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Bill Summary.** This bill prohibits, notwithstanding any other law, a city or county from approving either:
 - a) A new land use in a manner that authorizes construction of a detention facility.

- b) A change of use that permits use of an existing building as a detention facility.

The bill defines detention facility to mean any structure, whether temporary or permanent, operated by a private entity on behalf of a governmental entity for the temporary holding of persons charged with a criminal offense or detained for civil or administrative purposes. This bill also contains a severability clause and applies to all cities, including charter cities.

This bill is author sponsored.

- 2) **Author’s Statement.** “SB 1367 will prohibit cities and counties from approving new land uses that would allow the construction of detention facilities or permit the conversion of existing buildings into such facilities. The goal of SB 1367 is to protect California residents from the rapid expansion of private detention facilities, particularly those not designed for long-term human habitation.

“Facilities that are unsuitable for holding people, whether for short or long periods, can strain local infrastructure and pose serious risks to the well-being of detainees. Many of these facilities lack essential features such as proper ventilation, temperature control, sewage and waste management systems, and adequate access to clean water, among other critical deficiencies. These systems of detention which have existed for generations fundamentally transform into something even more sinister and more prone to abuse.”

- 3) **Background.** The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.
- 4) **Planning and Zoning Law.** State law provides additional powers and duties for cities and counties regarding land use. The Planning and Zoning Law requires every county and city to adopt a general plan that sets out planned uses for all of the areas covered by the plan. A general plan must include seven mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. The general plan must also either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements (SB 1000, Levya, 2016).

Cities’ and counties’ major land use decisions—including most zoning ordinances and other aspects of development permitting—must be consistent with their general plans. The Planning and Zoning Law also establishes a planning agency in each city and county, which may be a separate planning commission, administrative body, or the legislative body of the city or county itself. Cities and counties must provide a path to appeal a decision to the planning commission and/or the city council or county board of supervisors.

Local governments use their police power to enact zoning ordinances that shape development, including by designating the particular uses that are allowed within the community, distance between various kinds of uses, the physical form of buildings in the community, and others. These ordinances can also include conditions on development to address community or environmental impacts, or other particular site-specific considerations.

Local governments have broad authority to define the specific approval processes needed to satisfy these considerations. Most new land uses require “discretionary” approvals from local governments, such as a conditional use permit or a change in zoning laws. This process requires hearings by the local planning commission and public notice and may require additional approvals.

- 5) **Previous Legislation on Private Detention Facilities in California.** The Legislature has enacted several laws in recent years related to the conditions of private detention facilities, including:
 - a) AB 32 (Bonta), Chapter 739, Statutes of 2019, prohibited the California Department of Corrections and Rehabilitation (CDCR) from entering into or renewing contracts with private for-profit prisons after January 1, 2020, and eliminated their use by January 1, 2028. Also prohibited the operation of a private detention facility within the state, except as specified
 - b) AB 3228 (Bonta), Chapter 190, Statutes of 2020, required private detention facilities to comply with the detention standards of care and confinement agreed upon in the facility's contract for operations. AB 3228 also established a civil cause of action against private detention facilities that violate the requirement to comply with the detention standards of care and confinement.
 - c) AB 263 (Arambula), Chapter 294, Statutes of 2021, required a private detention facility operator to comply with, and adhere to, all local and state public health orders and occupational safety and health regulations.
 - d) SB 1132 (Durazo), Chapter 183, Statutes of 2024, authorized a county or city health officer to investigate the health and sanitary conditions of a private detention facility. This is in addition to a health officer's authority to investigate a county jail, a publicly operated detention facility in the county, and a private work furlough facility.
- 6) **Prison Closures and Private Prison Contract Exits.** Since 2009, California has acted to close several prisons, ended operation in all out-of-state facilities, and exited all for-profit contract prisons. According to the CDCR the state ended its contract with out-of-state facilities by June 2019 to reduce the state's reliance on out-of-state and private prisons. Since 2019, CDCR reports that it has exited all for-profit contract prisons and public-private contract facilities to phase out private prisons in California.

California outlined plans to close two prisons and multiple under-capacity conservation fire camps in the 2021 budget. In 2024, as outlined in the 2022-23 budget, CDCR closed Chuckawalla Valley State Prison, ceased operations of the California City Correction Facility under lease with CoreCivic, and deactivated some facilities within six prisons. As part of the 2025–26 State Budget, CDCR and the California Correctional Health Care Services will close the California Rehabilitation Center by fall of 2026.

- 7) **Arguments in Support.** The Inland Coalition for Immigrant Justice writes in support, “There are documented cases of deaths in custody linked to medical neglect, widespread use of solitary confinement that amounts to psychological torture, and allegations of forced or coerced labor where detained people are paid as little as \$1 a day to clean the very facilities confining them. In some facilities, whistleblowers and survivors have exposed patterns of

sexual abuse, invasive searches, and retaliation against those who file complaints. These are not isolated incidents—they are the predictable outcome of a detention system built on profit, secrecy, and the use of private land to shield abuse from public accountability.

“Private prisons in any form have no place in California because they turn human confinement into a business model—one that depends on cutting costs at the expense of people’s health, safety, and dignity. California has a responsibility to ensure that its land use policies are not used to facilitate human rights abuses. SB 1367 builds on the state’s leadership in limiting detention expansion and moves us closer to a future rooted in dignity, safety, and accountability.”

- 8) **Arguments in Opposition.** The Riverside County Sheriff’s Office writes, “SB 1367 would prohibit Riverside County from approving land uses, developments, or modifications that would authorize the construction or operation of a detention facility, including changes of use that would allow an existing structure to serve that purpose. In effect the bill remove local authority over critical land use decisions and centralizes that authority at the state level. This approach raises several significant concerns...

“... SB 1367 shifts decision-making authority to the State while simultaneously disclaiming any obligation to reimburse local agencies for resulting costs. The California Constitution generally requires reimbursement when the State imposes a mandate on local governments. This bill attempts to avoid that obligation by removing the County from the approval process altogether. However, the operation burden of housing incarcerated individuals, ensuring safety, and meeting constitutional standards remains with local agencies. The result is a misalignment of authority and responsibility, where the State controls key decision but local agencies remain accountable for outcomes without corresponding resources.”

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
Freedom for Immigrants
Inland Coalition for Immigrant Justice
Inland Empire Cultura Collective
Inland Valley Alliance for Environmental Justice
Pangea Legal Services
San Bernardino Community Service Center, INC.

Opposition

Riverside County Sheriff’s Office

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