
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair

2025 - 2026 Regular

Bill No: SB 941 **Hearing Date:** March 17, 2026
Author: Padilla
Version: January 29, 2026
Urgency: No **Fiscal:** No
Consultant: SJ

Subject: *Private detention facilities: canteens*

HISTORY

Source: Immigrant Defense Advocates

Prior Legislation: SB 1132 (Durazo), Ch. 183, Stats. of 2024
SB 474 (Becker), Ch. 609, Stats. of 2023
AB 263 (Arambula), Ch. 294, Stats. of 2021
AB 3228 (Bonta), Ch. 190, Stats. of 2020
AB 32 (Bonta), Ch. 739, Stats. of 2019

Support: ACLU California Action; Anti-Recidivism Coalition; California Collaborative for Immigrant Justice; California Community Foundation; California Public Defenders Association; Centro Binacional Para El Desarrollo Indigena Oaxaqueño; Courage California; Ella Baker Center for Human Rights; GLIDE; Jesse's Place; Justice2Jobs Coalition; La Defensa; Legal Services for Prisoners With Children; MILPA; Oasis Legal Services; Riverside Sheriffs' Association; Rubicon Programs; San Francisco Public Defender's Office; Secure Justice; Smart Justice California; Southeast Asia Resource Action Center; The Place4Grace; Uprise Theatre

Opposition: None known

PURPOSE

The purpose of this bill is to prohibit the sale price of canteen items at a private detention facility from exceeding a 35-percent markup above the amount paid to a vendor for the item.

Existing law requires the California Department of Corrections and Rehabilitation (CDCR) to maintain a canteen at an active prison or institution under its jurisdiction for the sale to persons confined therein of toilet articles, candy, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise for the canteen. (Pen. Code, § 5005, subd. (a).)

Existing law limits the sale prices of items offered in the state's prison canteens from exceeding a 35-percent markup above the amount paid to the vendors until January 1, 2028. (Pen. Code, § 5005, subd. (a).)

Existing law defines “private detention facility” as “a detention facility that is operated by a private, nongovernmental, for-profit entity, and operating pursuant to a contract or agreement with a governmental entity.” (Gov. Code, § 9500, subd. (b).)

This bill defines “commissary” as “any onsite or online store, canteen, vendor-operated program, or retail service that sells goods, food, hygiene supplies, phone cards, or other items to people confined in a private detention facility, whether operated directly by the facility or through a third-party contractor.”

This bill uses the definition of “private detention facility” that exists in current law.

This bill prohibits the sale price of an item offered for sale in a commissary at a private detention facility from exceeding a 35-percent markup above the amount paid to a vendor for that item.

COMMENTS

1. Need For This Bill

According to the author:

In California, every individual detained by ICE is held in a private detention facility that is operated on private property by a private corporation under contract with the federal government. There are currently seven private detention facilities in the state, two of which are located within my district.

California has already recognized that commissary access is a basic necessity in state-run prisons. Consumer protections exist to prevent the exploitation of incarcerated individuals and their families, but ICE detainees face exploitative prices in their private commissaries. These exploitive prices make it difficult for detainees to access essential goods such as food, drinking water, and soap. SB 941 will take California’s existing commissary price protections and extend them to private detention facilities to protect detained individuals and their families, many of whom are already experiencing economic hardship, from price gouging by private companies operating in California. This extension will apply to private entities operating in these facilities and will not apply to the federal government.

These unreasonable markups gouge immigrants in the hardest moments of their lives. Detainees are forced to make impossible decisions, such as choosing between obtaining clean drinking water or paying for the cost to call their families. This kind of opportunistic profiteering should not be allowed to continue unchecked.

2. Private Detention Facilities

The federal government contracts with private detention facilities across the country to house immigration detainees. There are currently seven private detention facilities operating in California in four counties—San Bernardino County, Kern County, San Diego County, and Imperial County. These facilities have been rife with issues, including poor medical care, substandard living conditions, sexual abuse and harassment, detainee deaths, and disproportionate use of force against individuals with mental health diagnoses. (Disability Rights

California, *Newly Opened California City ICE Detention Facility: Dangerous for Disabled People* (Nov. 3, 2025) <<https://www.disabilityrightsca.org/reports/california-city-ice-processing-center-a-dangerous-expansion-of-immigration-detention-in>> [hereafter Disability Rights California Report]; Department of Justice, *Immigration Detention in California: A Comprehensive Review with a Focus on Mental Health 2025* <<https://oag.ca.gov/system/files/media/immigration-detention-2025.pdf>>; Andrea Castillo, *Immigrant detainees say they were harassed, sexually assaulted by guard who got promoted*, Los Angeles Times (Nov. 12, 2025) <<https://www.latimes.com/politics/story/2025-11-12/calif-immigrant-detainees-say-they-were-harassed-sexually-assaulted-by-guard-who-got-promoted>>.) As a result, several lawsuits have been filed against the operators of these private detention facilities. (See Rachel Uranga, *Why California's newest detention facility faces federal lawsuit over medical neglect and 'punitive' unsanitary conditions*, Los Angeles Times (Nov. 13, 2025) <<https://www.latimes.com/california/story/2025-11-13/immigrants-held-in-inhumane-conditions-at-california-detention-facility-sue-ice-dhs>>; Salvador Hernandez & Ruben Vives, *Adelanto ICE facility isn't meant to hold immigrants, it's meant to break them, lawsuit alleges*, Los Angeles Times (Jan. 26, 2026) <<https://www.latimes.com/california/story/2026-01-26/lawsuit-alleges-inhumane-conditions-at-adelanto-ice-facility>>.)

The Legislature has enacted several laws in recent years related to the conditions of private detention facilities. AB 3228 (Bonta), Chapter 190, Statutes of 2020, required any private detention facility operator to comply with, and adhere to, the detention standards of care and confinement agreed upon in the facility's contract for operations, and created a private right of action for individuals to sue if a private detention facility violated the requirement to comply with detention standards of care and confinement. 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. Finally, SB 1132 (Durazo), Chapter 183, Statutes of 2024, authorized a county or city health officer to investigate a private detention facility. SB 1132 was challenged by GEO Group, an operator of private detention facilities, which argued that the law was unconstitutional because it interfered with the federal government's authority to manage detention centers and GEO Group claimed it had intergovernmental immunity by extension as a contractor of the federal government. The lawsuit was dismissed in May of 2025. (Wendy Fry & Jeanne Kuang, *California gave counties power to inspect ICE detention centers. They're not using it*, Cal Matters (Oct. 2, 2025) <<https://calmatters.org/justice/2025/10/ice-detention-center-inspections/>>.)

3. Canteens

A canteen is a store located in a detention facility where the incarcerated population can purchase toiletries, stationery, snacks, and other personal items. In 2023, the Legislature enacted SB 474 (Chapter 609, Statutes of 2023) to temporarily cap the markup of canteen items in the state's prisons to no more than 35% of the price CDCR paid to the vendor. At the time, advocates argued that canteen items had unreasonably high prices compared to the prices of the same or similar items available to the general public and cited a report that found that 60% of the formerly incarcerated individuals surveyed could not afford canteen purchases while incarcerated, which sometimes led individuals to resort to extreme measures to gain access to canteen items such as engaging in gang activity and sexual relationships. (Leslie Soble, Kathryn Stroud, and Marika Weinstein, *Eating Behind Bars: Ending the Hidden Punishment of Food in Prison* (2020), p. 11 available at <<https://impactjustice.org/wp-content/uploads/IJ-Eating-Behind-Bars.pdf>>.)

The proponents of this bill contend that items sold in the canteens in private detention facilities have similarly inflated and unreasonable prices. They argue that the high prices are especially problematic when considering that some canteen items are necessary for survival. For example, an inspection last year of the California City Detention Facility revealed that the facility's water was arguably unsafe to drink—it was brown with an unpleasant taste. (Disability Rights California Report, *supra*.) As a result, detainees had to rely on bottled water sold at the canteen but due to its high price, detainees could not afford to purchase sufficient water and suffered from dehydration. (*Ibid.*) This bill prohibits the price of an item offered for sale in a commissary at a private detention facility from exceeding a 35-percent markup above the amount paid to a vendor for that item.

4. Argument in Support

The Ella Baker Center for Human Rights writes:

Over 90 percent of individuals detained by U.S. Immigration and Customs Enforcement (ICE) nationwide are held in private, for-profit detention facilities. In California, every ICE detainee is held in a private detention facility operated by a private corporation on private property under contract with the federal government. California is currently home to seven such facilities.

Individuals held in these facilities include undocumented immigrants, asylum seekers, lawful permanent residents, and, at times, U.S. citizens. While detention authority rests with the federal government, the day-to-day conditions of confinement and commercial practices within these facilities are controlled by private entities operating within California.

One major concern is the operation of private commissaries, which sell essential items such as food, drinking water, hygiene products, and clothing. Commissaries are often operated by third-party vendors that set prices without meaningful oversight. Reports from oversight and advocacy organizations document excessive pricing and inadequate access to basic necessities in private detention facility commissaries. A monitoring visit by Disability Rights California to California City Detention Facility found that the drinking water available to detained individuals was brown in color and unpleasant in taste, conditions confirmed by facility staff. One individual developed severe gastritis and was forced to rely on bottled water from the commissary, but the high prices made it difficult to purchase sufficient quantities, resulting in dehydration. A 2023 UCLA report interviewing individuals who were currently or previously detained found that commissary costs in private detention facilities were significantly higher than in state prisons. One individual reported spending approximately \$100 per week at a private detention facility commissary, compared to about \$100 per month in a state prison. Commissaries profit from detained individuals by selling essential goods that are marked up at unreasonable prices: a bar of Irish Spring soap was marked up by 75%, ramen noodles by 100%, Colgate Baking Soda and Peroxide by 139%, and canned tuna by 300%. A class action lawsuit filed in November 2025 noted that the prices at the commissary at California City Detention Facility are “prohibitively, even punitively” higher, leaving many detained people unable to afford the extra food, clothing, and hygiene products they may need.

Detained individuals typically earn about one dollar per day through facility work programs. Because commissary prices far exceed what detained individuals can afford, the financial burden is often shifted to families, many of whom are already experiencing economic hardship.

In 2023, California enacted SB 474 ... which limits commissary price markups in state prisons to no more than 35 percent above vendor cost. That law recognizes commissary access as a basic necessity and prevents exploitation of incarcerated individuals and their families through excessive pricing. However, SB 474 does not apply to private detention facilities, leaving detained individuals in those facilities without comparable consumer protections.

... Prior to the passage of SB 474, prisons, on average, marked up products and canteen items by 65% above the price paid to the vendor. As a result of California's efforts to cap CDCR campaign prices at 30%, we have seen improvements across the system. This change has had a tangible, positive impact on incarcerated individuals and their loved ones. ...

... Incarcerated families and their loved ones are already saddled with copious, justice-related fees, fines, and debt, at the same time that their economic opportunities are diminished. ... Policy solutions such as SB 474 and SB 941 help protect [California] residents, families, and children from the extortionate practices of private vendors. ... SB 941 ensures that those in federal detention have the same access to reasonable canteen prices as those incarcerated in state prison.

This legislation regulates only the pricing practices of private vendors and facility operators. It does not alter federal immigration enforcement priorities, detention decisions, or custody authority. Instead, it ensures that private companies conducting business in California are subject to the same consumer protection standards already applied elsewhere in the state's correctional system. The bill does not interfere with federal immigration law, detention authority, or ICE operations. It simply ensures that private companies conducting business in California are subject to the same consumer protection standards already applied elsewhere in the state's correctional system. The bill does not interfere with federal immigration law, detention authority, or ICE operations. It simply ensures that private companies operating in California comply with basic standards of fairness when selling essential goods.

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