



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**SB-29 Law enforcement: immigration.** (2017-2018)

SHARE THIS:  

Date Published: 10/05/2017 09:00 PM

**Senate Bill No. 29**

**CHAPTER 494**

An act to add Section 1670.9 to the Civil Code, relating to immigration.

[ Approved by Governor October 05, 2017. Filed with Secretary of State October 05, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 29, Lara. Law enforcement: immigration.

Existing law generally regulates formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals.

Existing law authorizes a county board of supervisors on behalf of its sheriff, and a legislative body of a city on behalf of its chief of police, to contract to provide supplemental law enforcement services to private individuals, private entities, and private corporations in specified circumstances and subject to certain conditions.

This bill would, commencing on January 1, 2018, prohibit a city, county, city and county, or a local law enforcement agency that does not, as of that date, have a contract with the federal government or any federal agency or a private corporation to detain noncitizens for the purposes of civil immigration custody from entering into a contract with those entities to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody. The bill would further prohibit a city, county, city and county, or local law enforcement agency that, as of January 1, 2018, has an existing contract with the federal government or any federal agency or a private corporation to house or detain noncitizens for purposes of civil immigration custody, from renewing or modifying that contract, on and after that date, in a manner that would expand the maximum number of contract beds that may be utilized to house or detain, in a locked detention facility, noncitizens for purposes of civil immigration custody. This bill would prohibit, on and after January 1, 2018, a city, county, city and county, or a public agency from approving or signing a deed, instrument, or other document related to a conveyance of land or issuing a permit for the building or reuse of existing buildings by a private corporation, contractor, or vendor to house or detain noncitizens for the purposes of civil immigration proceedings unless the city, county, city and county, or public agency has provided specified notice to the public and solicited and heard public comments regarding the action.

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless the records are exempt from disclosure.

This bill would specify that any facility that detains a noncitizen pursuant to a contract with a city, county, city and county, or a local law enforcement agency is subject to the California Public Records Act.

The bill would provide that its provisions are severable.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** The Legislature finds and declares the following:

(a) In keeping with its obligation to safeguard the humane and just treatment of all individuals located in California, it is the intent of the Legislature that this bill declare that the state does not tolerate profiting from the incarceration of Californians held in immigration detention and the state's desire to ensure the just and humane treatment of our most vulnerable populations.

(b) It is the further intent of the Legislature to ensure the uniform treatment of individuals detained within immigration detention facilities, operating in California, in a manner that meets or exceeds the federal national standards and other applicable legal requirements.

**SEC. 2.** Section 1670.9 is added to the Civil Code, to read:

**1670.9.** (a) A city, county, city and county, or local law enforcement agency that does not, as of January 1, 2018, have a contract with the federal government or any federal agency or a private corporation to house or detain noncitizens for purposes of civil immigration custody, shall not, on and after January 1, 2018, enter into a contract with the federal government or any federal agency or a private corporation, to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.

(b) A city, county, city and county, or local law enforcement agency that, as of January 1, 2018, has an existing contract with the federal government or any federal agency or a private corporation to detain noncitizens for purposes of civil immigration custody, shall not, on and after January 1, 2018, renew or modify that contract in a manner that would expand the maximum number of contract beds that may be utilized to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.

(c) Any facility that detains a noncitizen pursuant to a contract with a city, county, city and county, or a local law enforcement agency is subject to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(d) A city, county, city and county, or public agency shall not, on and after January 1, 2018, approve or sign a deed, instrument, or other document related to a conveyance of land or issue a permit for the building or reuse of existing buildings by any private corporation, contractor, or vendor to house or detain noncitizens for purposes of civil immigration proceedings unless the city, county, city and county, or public agency has done both of the following:

(1) Provided notice to the public of the proposed conveyance or permitting action at least 180 days before execution of the conveyance or permit.

(2) Solicited and heard public comments on the proposed conveyance or permit action in at least two separate meetings open to the public.

**SEC. 3.** The provisions of this act are severable. If any provision of this act 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.