

Assembly Bill No. 263

CHAPTER 294

An act to add Section 7321 to the Government Code, relating to private detention facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 2021. Filed with
Secretary of State September 24, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 263, Arambula. Private detention facilities.

Existing law requires the operator of a private detention facility, as defined, to comply with, and adhere to, the detention standards of care and confinement agreed upon in the facility's contract for operations, as specified.

This bill would require a private detention facility operator to comply with, and adhere to, all local and state public health orders and occupational safety and health regulations. The bill would state that its provisions are declaratory of existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature, in keeping with its obligation to safeguard the humane and just treatment of all individuals located within California, to ensure that private detention facility operators within the State of California respect and adhere to public health orders and occupational safety and health regulations, thus ensuring the welfare of those individuals detained or working in these facilities and protecting public health with respect to the threat posed by the coronavirus disease 2019 (COVID-19).

SEC. 2. Section 7321 is added to the Government Code, to read:

7321. (a) A private detention facility operator shall comply with, and adhere to, all local and state public health orders and occupational safety and health regulations.

(b) As used in this section, "private detention facility operator" and "private detention facility" have the same meaning as in Section 7320.

(c) This section shall not be construed to limit or otherwise modify the authority, powers, or duties of state or local public health officers or other officials with regard to state prisons, county jails, or other state or local correctional facilities.

(d) This section is declaratory of existing law.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect the health of individuals detained or working in private detention facilities, which are environments shown to be dangerous for the transmission of COVID-19, it is necessary for this act to take effect immediately.