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California defends private prison ban in petition to federal appeals court

California Attorney General Rob Bonta on Wednesday announced the state filed a petition to repeal a federal appeals court decision to block a law that would end the state's use of private, for-profit detention facilities. The petition comes after the U.S. Court of Appeals for the 9th Circuit last month, in a split 2-1 decision, blocked the law known as Assembly Bill 32. That law was signed by Gov. Gavin Newsom in 2019 to phase out the operation of private, for-profit prisons in the state by 2028. "The record is clear: For-profit, private prisons and detention facilities that treat people like commodities pose an unacceptable risk to the health and welfare of Californians. AB 32 puts people over profits. It is a law of general applicability that recognizes the federal government's own documented concerns over these facilities," said Bonta, who authored AB 32. "California will continue to press forward to ensure the dignity and rights of everyone in our state are protected. We respectfully ask the 9th Circuit to let us make our case." TOP VIDEOS × In the federal appeals court's ruling, judges wrote that California cannot interfere with the federal government's ability to handle immigration policy. "California can enact laws that it believes are best for its people," according to the opinion of the U.S. Court of Appeals for the 9th Circuit. "But California cannot intrude into the realm of the federal government's exclusive powers to detain undocumented and other removable immigrants if the state law conflicts with federal law and violates the intergovernmental immunity doctrine." The ruling also allows the federal agents to hold immigrants in private, for-profit detention centers. In 2020, the Trump administration and The Geo Group, Inc., which operates private detention centers in the state, sued California to halt the law. The Biden administration has since supported the lawsuit, claiming the law interferes with federal immigration officials' capacity to enforce immigration laws. "We know that the Trump administration of the Biden administration couldn't be more different," Bonta said. "We have many examples already since the Biden administration took over that show that they're more willing to and able to partner with California. We haven't reached an agreement on this issue at this point in time, but I'm hopeful that we can engage on this issue." Bonta has also been a vocal opponent against the practice of transferring immigrants from prisons to U.S. Immigration and Customs Enforcement detention centers. This week, the American Civil Liberties Union filed a lawsuit against Sacramento County Sheriff Scott Jones, claiming his office unlawfully transferred immigrants from jails to federal immigration agents.