



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Ortiz
Councilmember Campos
Councilmember Candelas
Councilmember Cohen

SUBJECT: SEE BELOW

DATE: January 29, 2026

Approved:

Date: 1/29/2026

[Signature: Domingo Candelas]

[Signature: R]

[Signature: David Cohen]

SUBJECT: Support and Collaboration on AB 1633 (Private Detention Facility Tax Law)

RECOMMENDATION

1. Request the City Council adopt a position of support for the intent and policy direction of Assembly Bill 1633 (Haney), as introduced on January 26, 2026, as well as similar legislation that advances the same goals, and authorize City staff to take advocacy actions consistent with that intent, including drafting and submitting letters of support and coordinating with the author's office regarding a potential City sponsorship role.

BACKGROUND

AB 1633 was introduced by Assemblymember Matt Haney (D–San Francisco) to address the continued operation and expansion of for-profit immigration detention facilities in California. The bill would impose a 50 percent tax on gross receipts or profits generated by private companies that operate ICE-funded detention centers. Revenue generated by the tax would be directed toward state purposes, with the broader policy goal of discouraging the use of for-profit detention and increasing accountability for private operators.

The City of San José has consistently affirmed its commitment to protecting immigrant communities, advancing human rights, and opposing policies that exacerbate harm to vulnerable populations. The City has previously taken positions in support of immigrant protections, transparency, and alternatives to detention, particularly where private, for-profit entities are involved.

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AB 1633 aligns with these values by addressing the financial incentives that sustain private detention facilities and by signaling the State's intent to move away from profit-driven incarceration and detention models. A position of support and collaboration would allow San José to join other jurisdictions in advocating for policies that promote dignity, accountability, and community-centered approaches to immigration enforcement.

Staff review would help assess the legal, fiscal, and policy implications of AB 1633, as well as potential advocacy actions consistent with the City's adopted legislative guidelines.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.