
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1645 **Hearing Date:** June 16, 2026
Author: Mark González
Version: January 27, 2026
Urgency: No **Fiscal:** Yes
Consultant: ML

Subject: *Corrections: Humanizing and Uniting Generations Safely (HUGS) Act of 2026*

HISTORY

Source: Essie Justice Group; Bridges of Hope; Empowering Women Impacted by Incarceration

Prior Legislation: AB 1226 (Haney), Ch. 98, Stats. of 2023
AB 958 (Santiago), held in Assembly Appropriations, 2023
AB 990 (Santiago), vetoed, 2021
SB 1008 (Becker), Ch. 827, Stats. of 2022
SB 1139 (Kamlager), Ch. 837, Stats. of 2022
AB 964 (Medina), held in Assembly Appropriations, 2019
SB 843 (Committee on Budget), Ch. 33, Stats. of 2016
SB 1157 (Mitchell), vetoed, 2015
SCR 20 (Liu), Ch. 88, Stats. of 2009
AB 2133 (Goldberg), Ch. 238, Stats. of 2002

Support: New Way of Life Re-Entry Project; ACLU California Action; All of Us or None; Anti Recidivism Coalition; California Attorneys for Criminal Justice; California; Coalition for Women Prisoners; California Community Foundation; California Public Defenders Association; Californians United for a Responsible Budget; Center for Employment Opportunities; Communities United for Restorative Youth Justice; Congregations Organized for Prophetic Engagement; Courage California; Defy Ventures; Ella Baker Center for Human Rights; Felony Murder Elimination Project; Fresh Lifelines for Youth; Friends Committee on Legislation of California; Glide; GRIP Training Institute; Honoring Resilience; Humane Prison Hospice Project; Inland Equity Partnership; Jesse's Place Non-Profit Organization; Justice2Jobs Coalition; La Defensa; Legal Services for Prisoners With Children; Local 148 Los Angeles County Public Defender's Union; Milpa Collective; Peacemakers' Alliance; Poetic Justice; Project Rebound, San Francisco State University; Restoring Hope California; Rubicon Programs; San Francisco Public Defender; Smart Justice California; Starting Over; The Collective for Liberatory Lawyering; Transformative Programming Works; We Got Us Now; Youth Leadership Institute

Opposition: None known

Assembly Floor Vote:

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PURPOSE

The purpose of this bill is to require that any future regulations adopted by the California Department of Corrections and Rehabilitation (CDCR) that may impact the visitation of incarcerated persons recognize and consider the importance of nonsexual physical contact in incarcerated person visitation; to ensure that regulations related to nonsexual physical contact in incarcerated person visitations are not excessive or unnecessarily punitive; and to prohibit the regulations from unreasonably restricting the ability of incarcerated persons or their visitors to have nonsexual physical contact throughout the visit.

Existing law requires that any amendments to existing regulations and any future regulations adopted by CDCR that may impact visitation of incarcerated persons do all of the following:

- Recognize and consider the value of visiting as a means to improve the safety of prisons for both staff and incarcerated persons;
- Recognize and consider the important role of incarcerated person visitation in establishing and maintaining a meaningful connection with family and community;
- Recognize and consider the important role of incarcerated person visitation in preparing an incarcerated person for successful release and rehabilitation. (Pen. Code, § 6400, subds. (a)-(c).)

Existing law states that, except for the following, no bodily contact is permitted during visitation:

- Accompanying adults shall ensure that minors remain under their constant control and supervision;
- Nursing mothers shall be discreet and covered when breast-feeding their children in the visiting area, and failure to do so shall result in termination of visiting for that day;
- Incarcerated persons and their visitors may hold hands;
- At the beginning and end of each visit, incarcerated persons and their visitors may briefly embrace and/or kiss; and,
- An incarcerated person may hold their minor children, and may hold minor children accompanied by an adult. (Cal. Code Regs., tit. 15, § 3175, subd. (b)-(g).)

Existing law requires, at intake, every incarcerated person to be asked whom they want on their approved visitor list. (Pen. Code, § 6400.)

Existing law requires CDCR to develop policies related to the department's contraband interdiction efforts for individuals entering CDCR detention facilities, including among others:

- Application to all individuals, including visitors;
- Use of methods to ensure that profiling is not practiced during random searches or searches of all individuals entering the prison at that time;
- Establishment of unpredictable, random search efforts and methods;
- All visitors attempting to enter a CDCR detention facility shall be informed that they may refuse to be searched by a passive alert dog; and,
- All visitors attempting to enter a CDCR detention facility, who have a positive alert for contraband by an electronic drug detection device, a passive alert dog, or other technology, shall be informed of further potential search or visitation options. (Pen. Code, § 6404, subds. (a)-(e).)

Existing law provides that incarcerated persons shall not be prohibited from family visits based solely on the fact the incarcerated person was sentenced to life without the possibility of parole or was sentenced to life and is without a parole date established by the Board of Parole Hearings. (Pen. Code, § 6404.)

Existing law requires CDCR to expedite a family visitation application process for incarcerated pregnant persons in order to prevent delays for visitation for the incarcerated mother and newborn child following delivery. (Pen. Code, § 6404.5, subd. (a).)

Existing law requires CDCR, for an in-person visit, to allow a visitor with an infant or toddler to bring items related to the care of the child. (Pen. Code, § 6405, subd. (b).)

Existing law states that any person seeking entry into an institution/facility for the purpose of visiting an incarcerated person shall be subject to all applicable laws, rules and regulations. Any person violating a law, rule or regulation while visiting shall be subject to warning, termination, suspension, and/or revocation, as specified. (Cal. Code Regs., tit. 15, § 3176.1.)

Existing law states that a hearing officer conducting an administrative rules violation hearing may restrict an incarcerated person's visiting privileges for up to 30 days when the incarcerated person is found guilty of visiting-related misconduct. (Cal. Code Regs., tit. 15, § 3176.4, subd. (b).)

Existing law states an official conducting a disciplinary hearing may suspend or restrict an incarcerated person's visiting privileges for up to 90 days, when the incarcerated person is found guilty of any of the following serious rule violations:

- Possession of \$5.00 or more without authorization.
- Visiting-related violations presenting a security threat, as specified
- Serious or repeated violations of visiting regulations or procedures. (Cal. Code Regs., tit. 15, § 3176.4, subd. (d).)

Existing law states that a classification committee may suspend and restrict the visiting privileges of an incarcerated person found guilty of multiple visiting-related violations. Authorizes the committee to impose the following suspensions and restrictions:

- Suspension of visiting privileges for up to 90 days, to be followed by non-contact visiting for up to 180 days for any second offense which occurs within two years from the date of a previous offense.
- Suspension of visiting privileges for up to 180 days, to be followed by non-contact visiting for up to 180 days for any third offense which occurs within two years from the date of a first offense. (Cal. Code Regs., tit. 15, § 3176.1, subd. (e).)

This bill makes findings and declarations stating that it is the intent of the Legislature to strengthen and protect the ability of incarcerated persons to have meaningful and uninhibited physical contact with their loved ones to support the emotional health of Californians and their incarcerated loved ones, to improve in-custody conduct, and to reduce recidivism. States that it is the Legislature's further intent to limit the circumstances under which nonsexual physical contact engaged in during an in-person visitation between an incarcerated person and their family can be

denied, restricted, terminated, or suspended, and to ensure that appropriate and healthy physical contact between incarcerated people and their loved ones is not punished.

This bill requires that any amendments to existing regulations and any future regulations adopted by CDCR that may impact the visitation of incarcerated persons recognize and consider the importance of nonsexual physical contact in incarcerated person visitation.

This bill requires CDCR, in amending existing regulations and adopting future regulations, as specified, to ensure that regulations related to nonsexual physical contact in incarcerated person visitation, for individuals entering department facilities and for incarcerated persons receiving visitors, are not excessive or unnecessarily punitive.

This bill provides that these regulations shall not unreasonably restrict the ability of incarcerated persons or their visitors to have nonsexual physical contact throughout the visit.

This bill defines “nonsexual physical contact” to include, but not be limited to, all of the following:

- Hand holding;
- Kissing;
- Hugging and lateral holding or side-to-side contact;
- Linking arms;
- In-movement or transitory touching;
- Touching of the face or hair;
- Adjusting each other’s clothing without removing articles of clothing;
- Holding of the incarcerated person’s minor children and holding of their minor children while accompanied by an adult;
- Feeding of the incarcerated person’s minor children;
- Feeding of the incarcerated person by minor children; and,
- Any other physical touch that a reasonable person would define as nonsexual and appropriate.

COMMENTS

1. Need for This Bill

The author writes:

Across state prisons, there is no standard definition or enforcement for “excessive contact,” which has led to widespread confusion for both visitors and incarcerated people. In practice, “excessive contact” can include a mother holding their child or kissing their cheek for just a second too long. A hug can result in the immediate suspension of visiting privileges and harsh disciplinary action, including the denial of parole. After weeks, months or even years apart, incarcerated people and families simply want to reunite normally – hugging, holding hands, running into their mom or dad’s arms. Physical touch is more than a kind gesture; it’s a human-to-human connection with your loved ones. That moment can remind an incarcerated person about the world outside and the life

they can work towards. It can incentivize good behavior in prison to keep their visitation privileges and motivate their road to recovery.

AB 1645 will address these unreasonably harsh physical contact limitations by clarifying the definition of “excessive contact” to allow for normal behavior, non-sexual behavior such as handholding, hugging, and holding one’s child. California is meant to lead the nation by example, and AB 1645 is the right step forward to use the carceral system for recovery, not retaliation.

2. Existing CDCR Visitation Rules

The importance of visitation for incarcerated people and their families is well recognized. On its website, CDCR affirmatively states that visitation helps incarcerated people maintain family connection and community ties. (Cal. Dept. of Corrections & Rehabilitation, *CDCR Visitation Updates and Information* <<https://www.cdcr.ca.gov/visitors/>> [as of Jun. 3, 2026].) Existing law requires CDCR regulations to recognize and consider the value of visiting as a means to improve the safety of prisons for both staff and incarcerated persons, and the important role of incarcerated person visitation in establishing and maintaining a meaningful connection with family and community. (Pen. Code, § 6400, subs. (a), (b).) Existing law also recognizes the important role of incarcerated person visitation in preparing an incarcerated person for successful release and rehabilitation. (Pen. Code, § 6400, subs. (a), (b).)

Other provisions of law similarly suggest the state’s commitment to the above principles. For example, existing law provides that incarcerated persons shall not be prohibited from family visits based solely on the fact the incarcerated person was sentenced to life without the possibility of parole or was sentenced to life and is without a parole date established by the Board of Parole Hearings. (Pen. Code, § 6404.) It also requires CDCR to expedite a family visitation application process for incarcerated pregnant persons in order to prevent delays for visitation for the incarcerated mother and newborn child following delivery. (Pen. Code, § 6404.5, subd. (a).)

CDCR facilities must provide at least 12 hours of visiting per week, and requires regular visiting days to be consecutive and include Saturday and Sunday. CDCR facilities must make public the visiting schedules, including for regular visiting days, holiday visiting days, and visiting appointments. Existing regulations also require that, when a specified holiday occurs on a day not regularly scheduled for visiting, each facility must nevertheless provide the same number of hours of visiting on that day as for any regularly scheduled visiting day. (Cal. Code Regs., tit. 15, § 3172.2, subd. (a)-(c).)

There generally are three types of visitation—in-person visits, in-person non-contact visits, and family visits. According to CDCR: “Most incarcerated people in the general population may participate in an in-person visit. These visits allow the incarcerated person to sit together with their visitor(s) in a designated shared space, usually furnished with tables and chairs. In-person visits are limited to five visitors at a time and are not limited in duration except for normal visiting hours or terminations caused by overcrowding.” (Cal. Dept. of Corrections & Rehabilitation, *CDCR Visitation Updates and Information* <<https://www.cdcr.ca.gov/visitors/>> [as of Jun. 3, 2026].) In-person non-contact visits are for incarcerated people in reception or in

segregation. “Non-contact visits occur with a glass partition between the incarcerated person and his/her visitors. The incarcerated person is escorted in handcuffs by staff to the visit. The handcuffs are removed only after the incarcerated person is secured in his/her side of the visiting booth... Non-contact visits are restricted to three visitors and are limited in time.”(*Ibid.*) Finally, family visits (or overnight visitation) are visits where the incarcerated person and members of their immediate family are permitted to spend time in private, apartment-like facilities on prison grounds, for a duration that lasts approximately 30 to 40 hours. Incarcerated persons sentenced to death, convicted for sex offenses, still in reception, or under disciplinary restrictions are not permitted to have family visits. (*Ibid.*)

CDCR must approve visitors before incarcerated person visitation can be scheduled. Existing law requires, at intake, every incarcerated person to be asked whom they want on their approved visitor list. (Pen. Code, § 6400, subd. (a)(1).) CDCR approval requires a potential visitor to fill out a visitor questionnaire, which asks applicants for a list of all criminal convictions and arrests, even if the applicant was never charged or convicted following arrest. CDCR conducts background checks for arrests and convictions of all visitors and will deny anybody who fails to disclose a prior arrest or conviction. (Cal. Dept. of Corrections & Rehabilitation, *How to Get Approved to Visit an Incarcerated Person* <<https://www.cdcr.ca.gov/visitors/how-to-get-approved-to-visit-an-incarcerated-person/>> [as of Jun. 3, 2026].) Once approved, an in-person visit in a CDCR facility can be scheduled.

CDCR imposes restrictions on the day of visiting as well. Among other things, all adults must present identification when being processed to visit; children under 18 years old must be accompanied by an adult; visitors must comply with attire restrictions; and visitors may only bring a “strictly limited” set of items to the visit without prior approval. (Cal. Dept. of Corrections & Rehabilitation, *Prepare to Visit* <<https://www.cdcr.ca.gov/visitors/prepare-to-visit/>> [as of Jun. 3, 2026].) CDCR will also search people visiting a CDCR facility for contraband and to maintain facility security. Inspection may include a search of the visitor’s person, personal property and vehicle(s) when there is reasonable suspicion to believe the visitor may be attempting to introduce contraband or unauthorized items or substances into, or out of, the institution or facility. (Cal. Code Regs., tit. 15, § 3173.2, subd. (a); see Pen. Code, § 6404, subds. (a)-(e).) All visitors must submit to metal detection device(s) and/or electronic drug detectors, and may have to submit to passive alert canine search. (Cal. Code Regs., tit. 15, § 3173.2, subd. (c).) Other searches include a hand-held wand inspection, a clothed body search, and unclothed body searches when there is a reasonable suspicion that the visitor may be carrying contraband. (Cal. Code Regs., tit. 15, § 3173.2, subd. (d)(5)-(7).)

During visits, CDCR limits the amount of physical interaction between incarcerated people and their visitors. CDCR regulations provide that no bodily contact is permitted during visitation, except:

- Hand holding between an incarcerated person and their visitors,
- A brief embrace and/or kiss between an incarcerated person and their visitors at the beginning and end of each visit, and
- Incarcerated persons may hold their minor children and may hold children accompanied by an adult. (Cal. Code Regs., tit. 15, § 3175, subd. (b)-(g).)

CDCR's website states:

Physical contact between a prisoner and visitor beyond that described previously, is considered “excessive” and can be cause for staff to terminate the visit and, in some cases, to either suspend the visiting privileges of the visitor for some period and/or to discipline the incarcerated person. Although most staff will use common sense and not overreact to transitory non-sexual touching (an incarcerated person physically guiding his/her wife/husband away from an obstacle as they walk, a mother brushing dirt off an incarcerated person's shirt), behaviors such as feeding each other, touching each other's faces, adjusting each other's clothing, and the like should be avoided. (Cal. Dept. of Corrections & Rehabilitation, *In the Visiting Room* <<https://www.cdcr.ca.gov/visitors/in-the-visiting-room/>> [as of Jun. 3, 2026].)

CDCR regulations state that any person violating a law, rule or regulation while visiting shall be subject to warning, termination, suspension, and/or revocation of visitation privileges. (Cal. Code Regs., tit. 15, § 3176.1.) CDCR may also suspend visitation privileges of an incarcerated person for up to six months for rule violations. (Cal. Code Regs., tit. 15, § 3176.4.)

The author and sponsors argue that current policies leave too much discretion and inconsistency regarding how existing contact policies are applied. Each guard and facility may have a different definition of excessive contact, making visitation inconsistent and making visitors fearful of any contact whatsoever. According to the author and sponsors, although hugging at the end of visits is allowed in CDCR guidance, visitors hugging their loved ones has resulted in 6-month visitation suspensions. Visitors have had their visitation privileges terminated or suspended for several months for such “excessive contact.” Additionally, incarcerated persons' parole hearings have been delayed at least 3 months for such conduct, and parole itself has been denied because of excessive contact write-ups. Furthermore, incarcerated people will get their canteen, yard time, and other privileges suspended due to “excessive contact.”

3. Effect of This Bill

This bill prohibits CDCR regulations from unreasonably restricting the ability of incarcerated persons or their visitors to have nonsexual physical contact throughout the visit. This bill requires CDCR to ensure that regulations related to nonsexual physical contact in incarcerated person visitation, for individuals entering department facilities and for incarcerated persons receiving visitors, are not excessive or unnecessarily punitive. The bill also requires that any amendments to existing regulations and any future regulations adopted by CDCR that may impact the visitation of incarcerated persons recognize and consider the importance of nonsexual physical contact in incarcerated person visitation.

The bill defines “nonsexual physical contact” to include, but not be limited to, “hand holding, kissing, hugging, lateral holding or side-to-side contact, linking arms, in-movement or transitory touching of the face or hair, adjusting each other's clothing without removing articles of clothing, holding of the incarcerated person's minor children and holding of their minor children while accompanied by an adult, feeding of the incarcerated person's minor children, feeding of the incarcerated person by minor children, and any other physical touch that a reasonable person would define as nonsexual and appropriate.”

4. Argument in Support

The GRIP Training Institute writes:

CDCR's visitation system is governed by vague, inconsistent standards, and unclear policies that leave women, children, and families vulnerable and facilities largely unaccountable. Women, particularly Black women, are the primary visitors of incarcerated people. National research shows that 1 in 4 women, and 1 in 2 Black women, have a family member in prison. Research has also found that 195,000 children have parents incarcerated in California state prisons. Visitation is one of the few lifelines between incarcerated people and their families.

CDCR's existing physical contact policy is restrictive, dehumanizing, and inconsistently enforced. While regulations technically permit brief embraces, kisses at the start and end of visits, hand-holding, and holding children (Cal. Code Regs. Tit. 15, § 3175), those actions have at times been classified as "excessive" at the discretion of individual facilities and correctional officers. In practice, even explicitly permitted activities have been arbitrarily classified as "excessive," often resulting in abrupt visit terminations, and restrictions on future visits. Enforcement varies widely not just between different facilities, but day-to-day within the same facility.

This ambiguity has devastating consequences for women, children, and families, who navigate every visit with fear and uncertainty. The most extreme consequence can be the denial of a person's freedom through a visiting-related rules violation, which can be issued for conduct as simple as a hug deemed too long by a correctional officer. Children visiting incarcerated parents need physical connection for healthy emotional and behavioral development, yet current policies discourage the very interactions that support these critical bonds. When basic human touch is policed unpredictably, visitation becomes a source of trauma and anxiety rather than connection.

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