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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** AB 1646      **Hearing Date:** June 23, 2026  
**Author:** Bryan  
**Version:** May 18, 2026  
**Urgency:** No      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Juvenile facilities: visitation*

### HISTORY

**Source:** Hoops 4 Justice; Urban Peace Institute

**Prior Legislation:** AB 2417 (Ting), Ch. 786, Stats. 2022  
SB 1139 (Kamlager), Ch. 837, Stats. of 2022  
SB 92 (Com. on Budget & Fiscal Rev.), Ch. 18, Stats. of 2021  
SB 823 (Com. on Budget & Fiscal Rev.), Ch. 337, Stats. of 2020  
AB 811 (Gipson), vetoed, 2017  
SB 1250 (Yee), Ch. 522, Stats. 2008  
SB 518 (Migden), Ch. 649, Stats. 2007

**Support:** A New Way of Life Re-Entry Project; ACLU California Action; Alliance for Boys and Men of Color; Anti-Recidivism Coalition; Arts for Healing and Justice Network; California Alliance for Youth and Community Justice; California Attorneys for Criminal Justice; California Public Defenders Association; Californians United for a Responsible Budget; Cancel the Contract; Children's Advocacy Institute; Children's Defense Fund-CA; Communities United for Restorative Youth Justice; Ella Baker Center for Human Rights; Fresh Lifelines for Youth; GRIP Training Institute; InsideOUT Writers; Justice2Jobs Coalition; Juvenile Justice and Delinquency Prevention Commission; La Defensa; LA Public Defender's Office; Legal Services for Prisoner With Children; Liberty Hill Foundation; Local 148 Los Angeles County Public Defender's Union; Los Angeles County; Loyola Law School's Youth Justice Education Clinic; MILPA Collective; National Center for Youth Law; National Institute for Criminal Justice Reform; Nuestra Causa; Peace and Justice Law Center; Public Works Alliance; San Quentin Skunkworks; Santa Cruz Barrios Unidos; Santa Cruz County Board of Supervisors; Silicon Valley De-Bug; Sister Warriors Freedom Coalition; The Action Project; The California Youth Justice Project; The Change Parallel Project; The Children's Partnership; The Collective for Liberatory Lawyering; Tia Chucha's Centro Cultural; Ujima Adult and Family Services; Underground GRIT; Upward Together; Youngsters for Change; Youth Alliance; Youth Forward; Youth Leadership Institute

**Opposition:** Chief Probation Officers' of California

**Assembly Floor Vote:** 59 - 7

## PURPOSE

***The purpose of this bill is to establish a right for youth confined in a juvenile facility to engage in non-sexual physical contact with visitors during in-person visits, as specified.***

*Existing law* provides that the purpose of the juvenile court system is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and that minors under the jurisdiction of the juvenile court who are in need of protective services shall receive care treatment and guidance consistent with their best interest and the best interests of the public. (Welf. & Inst. Code, § 202, subds. (a), (b).)

*Existing law* authorizes the court to place a ward of the court in juvenile facility, as specified. (Welf. & Inst. Code, § 726.)

*Existing law* defines “juvenile facility” to mean a juvenile hall, juvenile camp or ranch, a facility of the CDCR, Division of Juvenile Facilities, a regional youth educational facility, a youth correctional center, a juvenile regional facility or any other local or state facility used for the confinement of minors or wards. (Welf. & Inst. Code, § 208.3, subd. (a).)

*Existing law* provides that juvenile halls shall not be deemed to be, nor be treated as, penal institutions and that juvenile halls shall be safe and supportive homelike environments. (Welf. & Inst. Code, § 851.)

*Existing law* requires the Board of State and Community Corrections (BSCC) to adopt minimum standards for the operation and maintenance of juvenile halls for the confinement of minors. (Welf. & Inst. Code, § 210.)

*Existing law* establishes the Youth Bill of Rights, which applies to youth confined in a juvenile facility, and provides youth have specified rights. (Welf. & Inst. Code, § 241.71.)

*Existing law* provides that it is the policy of the state that all youth confined in a juvenile facility have specified rights, including, among others:

- To maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members, through visits, phone calls, and mail. Specifies that youth may be given access to computer technology for maintaining relationships with family as an alternative, but not as a replacement for, in-person visiting.
- To not be deprived of contact with parents, guardians, family, or attorneys as a disciplinary measure.
- To information about their rights as parents, including available parental support, reunification advocacy, and opportunities to maintain or develop a connection with their children. (Welf. & Inst. Code, § 241.71, subds. (g), (m), (o).)

*This bill* establishes a right for all youth confined in a juvenile facility to have the right to engage in physical contact with visitors during in-person visits that a reasonable person would find nonsexual and appropriate under the circumstances, including hugging at the beginning and end of the visit and holding hands.

*This bill* requires that limitations to physical contact during in-person visits is only implemented when a significant safety and security concern is present, including pursuant to any court-ordered restrictions on visitations or visitors for a youth confined in a juvenile facility or a temporary and specific health concern. Requires that physical contact is only temporarily restricted for a specific youth or visitor as necessary to address the significant safety and security concern.

*This bill* requires that all significant safety and security concerns and subsequent contact limitations shall be documented in detail, including the duration of the contact limitation and any additional accommodations or security measures implemented to facilitate a return to physical contact visits.

*This bill* requires that all juvenile facilities establish regulations and procedures for in-person visitation consistent with the requirements in this bill.

## COMMENTS

### 1. Need For This Bill

According to the author:

The ability to receive and give a hug to your loved ones is a critical part of the healing and transformation process for young people who are incarcerated. It's time to stop weaponizing essential pieces of our shared humanity and calling it rehabilitation.

### 2. Visitation Rights

SB 518 (Migden), Chapter 649, Statutes of 2007, established the Youth Bill of Rights which enumerates several rights for youth confined in any juvenile facility within the state, including the right to live in a safe, healthy, and clean environment; to be free from various forms of abuse; to receive adequate and healthy meals, clean water at any time, timely access to toilets, access to daily showers, sufficient personal hygiene items, clean bedding, and clean clothing in good repair; to receive adequate, appropriate, and timely medical, reproductive, dental, vision, and mental health services provided by qualified professionals; to not be searched for the purpose of harassment or humiliation, a form of discipline or punishment, or to verify the youth's gender; to receive a rigorous, quality education; and to have daily opportunities for age-appropriate physical exercise and recreation, among others. (Welf. & Inst. Code, § 241.71.) Of relevance to this bill, the Youth Bill of Rights provides for the right to maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members through visits, and the right to not be deprived of contact with parents, guardians, family, or attorneys as a disciplinary measure. (Welf. & Inst. Code, § 241.71, subds. (g), (m).)

The BSCC establishes minimum standards for juvenile facilities. Existing BSCC regulations require juvenile facilities to develop and implement written policies and procedures for visiting. Youth must be allowed to receive visits by parents, guardians, and the youth's children. (Cal. Code Regs., tit. 15, § 1374.) Regulations authorize visits with other family members and other supportive adults. Regulations require visitation to occur at reasonable times unless restrictions are necessary to maintain order and security. (*Ibid.*) Regulations prohibit a visitor from being denied visitation solely based on the visitor's criminal history unless staff determine that the visitor would be a safety risk to youth or staff in the facility. (*Ibid.*) Facilities are required to

provide opportunities for at least two hours of visitation per week, and facility staff are prohibited from monitoring conversations during visitation unless there is a security or safety need. (*Ibid.*) Finally, facilities may not replace in-person visitation with technological alternatives. (*Ibid.*)

This bill establishes the right for youth confined in a juvenile facility to engage in physical contact with visitors during in-person visits. This bill specifies that the physical contact is contact “that a reasonable person would find nonsexual and appropriate under the circumstances, including hugging at the beginning and end of the visit and holding hands.”

The bill allows for limitations on this right but provides that limitations can only be implemented when a significant safety and security concern is present. The bill specifies that a safety or security concern could include a court-ordered restriction on visitation or visitors for a youth as well as a temporary and specific health concern. The bill provides that limitations on the right to physical contact during in-person visits can only be restricted temporarily for a specific youth or visitor as necessary to address the significant safety and security concern.

This bill additionally requires that all significant safety and security concerns and subsequent contact limitations are documented in detail, including the duration of the contact limitation and any additional accommodations or security measures implemented to facilitate a return to physical contact visits. Finally, all juvenile facilities must establish regulations and procedures for in-person visitation consistent with the requirements outlined in this bill.

### 3. Amendments

The author intends to take several amendments in Committee. The amendments add uncodified legislative findings and declarations, amend Welfare and Institutions Code section 224.71 (the Youth Bill of Rights) to create a right to engage in consensual physical contact with visitors during in-person visits and cross-reference the existing provisions of this bill, and provide that the documentation required when there are limits to physical contact be made available to the Division of the Ombudsperson of the Office of Youth and Community Restoration upon request.

*224.71 (s) To engage in consensual physical contact with visitors during in-person visits, consistent with Section 224.75.*

224.75. (a) Consistent with subdivision ~~(g)~~ (s) of Section 224.71, all youth confined in a juvenile facility, before, during, or after adjudication of wardship, shall have the right to engage in *consensual* physical contact with visitors during in-person visits that a reasonable person would find ~~nonsexual and~~ appropriate under the circumstances, ~~including~~ *including, but not limited to*, hugging at the beginning and end of the visit and holding hands.

(b) (1) *The physical contact described in subdivision (a) shall not be restricted as a disciplinary measure.* Limitations to the physical contact described in subdivision (a) shall only be implemented when a significant safety and security concern is present, including pursuant to any court-ordered restrictions on visitations or visitors for a youth confined in a juvenile facility or a temporary and specific health concern. When the limitations are implemented, physical contact shall only be temporarily restricted for a specific youth or visitor as necessary to address the significant safety and security concern.

(2) All significant safety and security concerns and subsequent contact limitations shall be documented in detail, including the duration of the contact limitation and any additional accommodations or security measures implemented to facilitate a return to physical contact

visits. *The documentation required by this paragraph shall be made available to the Division of the Ombudsperson of the Office of Youth and Community Restoration upon request.*

#### **4. Argument in Support**

According to the Ella Baker Center for Human Rights:

California has made meaningful progress in advancing a rehabilitative, youth-centered approach to juvenile justice. Family engagement remains a cornerstone of that framework, and in-person visitation plays an important role in supporting youth well-being and successful reintegration. Yet across California, youth sit separated from families, often by plexiglass, unable to hug hello or goodbye. A mother takes the bus for two hours to see her son and cannot hold his hand. A father watches his daughter cry and cannot embrace her. A grandchild sees his grandmother on her birthday, greets her with a hug, and has his visitation canceled for

While current law guarantees access to visitation, policies regarding physical contact during visits vary across facilities. California's Youth Bill of Rights (AB 2417, 2022) for incarcerated youth already guarantees "visitation that reflects contact that occurs in typical family relationships." The Office of Youth and Community Restoration (OYCR) has explicitly stated this includes "physical affection consistent with typical family relationships, such as hugs and holding hands." AB 1646 provides clear, uniform guidance statewide to ensure visitation practices are consistent and aligned with trauma-informed care principles. OYCR's own guidance recognizes that maintaining family bonds through physical contact is essential to rehabilitation—yet without statutory clarity, counties implement vastly different and often restrictive policies that undermine this goal. By establishing a common standard, the bill supports facilities in maintaining safe environments while preserving healthy family connection.

Research in child development and trauma-informed care underscores the importance of supportive relationships for young people, particularly those who have experienced adversity. Ensuring that visitation reflects typical family interaction, within appropriate boundaries, promotes emotional stability and reinforces California's commitment to rehabilitation. Touch deprivation in adolescents increases anxiety, depression, and aggression. Youth who receive parental visits show rapid declines in depressive symptoms. Youth who are never visited have significantly higher rates of behavioral incidents. Physical contact lowers stress hormones and maintains attachment bonds that protect against stress. This isn't sentimentality -- it's neuroscience. Denying physical contact serves no safety purpose-- it harms youth development.

California closed DJJ to keep youth close to their communities and families. We invested millions in rehabilitation because we believe in supporting youth development, not punishment. We cannot claim to practice trauma-informed, family centered care while simultaneously denying youth the comfort of their family's embrace. AB 1646 ensures our practices match our stated values.

## 5. Argument in Opposition

The Chief Probation Officers' of California writes:

We are opposed unless amended to remove the language on making nonsexual contact a right and instead approach it from the perspective of requiring policies on contact during visitation, remove prescribed reference to hand holding, and updating the safety and security language to ensure it reflects institutional operational realities for the safety of the youth, visitors, and staff.

First and importantly, we value the importance of family visitation, engagement, and fostering connections as part of a youth's time in detention and upon reentry. However, the approach laid out in the bill to establish prescribed forms of contact as a right, creates operational, fiscal and liability concerns.

The approach to establish this as a right, combined with the prescriptiveness of the types of contact such as hand holding, and the lack of comprehensive safety and security considerations and responses in a detention environment create safety, liability, and fiscal impacts. Further, local policies are already in place to address visitation practices, but because they are locally adopted, they are crafted to ensure they work operationally and without creating other unintended consequences.

This bill, and the specific approach it takes, omits flexibility that is necessary to maintain the safety and security of facilities and visitation for all members and staff. Additionally, the inclusion of subjective language such as "that a reasonable person would find nonsexual and appropriate" utilized in relation to the establishment of a right, opens up concerns about unintended consequences.

For these reasons, while we are not opposed to the premise of fostering family engagement and safe and appropriate contact, those issues are already addressed through local policies which is the appropriate forum to do so to account for the myriad of considerations that exist and must be balanced.

**-- END --**