
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 958 **Hearing Date:** June 27, 2023
Author: Santiago
Version: May 18, 2023
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Prisons: visitation*

HISTORY

Source: A New Way of Life; All of Us or None; Alliance for Boys and Men of Color; Anti-Recidivism Coalition; California Families Against Solitary Confinement; California's Impacted Families Project; Community Works; Communities United for Restorative Youth Justice; Drop LWOP; East Bay Family Defenders; Felony Murder Elimination Project; Families United to End LWOP; Homies Unidos; Legal Services for Prisoners with Children; Mary Mac Transitional Homes; Pillars of the Community; Place4Grace; Prison From-TheInside-Out Inc.; RTime Co; Sister Warriors; Starting Over; Young Women's Freedom Center

Prior Legislation: SB 1139 (Kamlager), Ch. 837, Stats. 2022
AB 990 (Santiago), vetoed in 2021
AB 964 (Medina), held in Assembly Appropriations 2019
SB 1157 (Mitchell), vetoed in 2016
SB 843 (Comm. on Budget & Fiscal Review), Ch. 33, Stats. 2016
AB 900 (Solorio), Ch. 7, Stats. 2007
AB 2133 (Goldberg), Ch. 238, Stats. 2002
SB 1221 (Calderon), Ch. 132, Stats. 1996
SB 1260 (Hurt), 1994
AB 1512 (Filante), Ch. 17, Stats. 1982

Support: ACLU California Action; All of Us or None of Us Orange County; Asian Americans Advancing Justice-Southern California; Asian Prisoner Support Committee; Blameless and Forever Free Ministries; Buen Vecino; California Alliance for Youth and Community Justice; California Attorneys for Criminal Justice; California Families Rise; California Immigrant Policy Center; California Public Defenders Association; Center for Restorative Justice Works; Children's Defense Fund-CA; Ella Baker Center for Human Rights; Empowering Women Impacted by Incarceration; Family Reunification Equity & Empowerment; Fresh Lifelines for Youth; Friends Committee on Legislation of California; GRACE - End Child Poverty in CA; GRIP Training Institute; Human Impact Partners; Initiate Justice; Initiate Justice Action; MILPA; Prosecutors Alliance California; Returning Home Foundation; Root & Rebound; Secure Justice; Showing Up for Racial Justice Bay Area; Showing Up for Racial Justice North County San Diego; Silicon Valley Debug; Smart Justice California; South Bay People Power; Starting Over; Team Justice; Transformative In-Prison Workgroup; UnCommon

Law; Women's Foundation California; Youth Law Center; Youth Leadership Institute; several individuals

Opposition: California State Sheriffs' Association; Deputy Sheriffs' Association of Monterey County; Los Angeles County Professional Peace Officers Association; Placer County Deputy Sheriffs' Association; Riverside Sheriffs' Association

Assembly Floor Vote:

52 - 15

PURPOSE

The purpose of this bill is to establish the right to personal visits for each person serving a sentence in state prison or county jail for a realigned felony, except as specified, and limit the reasons for which the California Department of Corrections and Rehabilitation (CDCR) can deny an in-person contact visit.

Existing law provides that a person sentenced to imprisonment in a state prison or to imprisonment pursuant to Section 1170 subdivision (h) may during that period of confinement be deprived of such rights, and only such rights, as is reasonably related to legitimate penological interests. (Pen. Code, § 2600, subd. (a).)

Existing law provides that each person sentenced to imprisonment in a state prison or to imprisonment pursuant to Section 1170 (h) has the following civil rights:

- To inherit, own, sell, or convey real or personal property, including all written and artistic material produced or created by the person during the period of imprisonment, except as provided. However, CDCR may restrict or prohibit sales or conveyances that are made for business purposes, to the extent authorized under the law.
- To correspond, confidentially, with any member of the State Bar or holder of public office, provided that the prison authorities may open and inspect incoming mail to search for contraband.
- To purchase, receive, and read any and all newspapers, periodicals, and books accepted for distribution by the United States Post Office, except as specified.
- To initiate civil actions, as specified.
- To marry.
- To create a power of appointment.
- To make a will.
- To receive specified benefits. (Pen. Code, § 2601, subd. (a)-(h).)

Existing law requires that any amendments to existing regulations and any future regulations adopted by CDCR which may impact the visitation of incarcerated individuals 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 inmates.
- Recognize and consider the important role of inmate visitation in establishing and maintaining a meaningful connection with family and community.
- Recognize and consider the important role of inmate visitation in preparing an inmate for successful release and rehabilitation.

(Pen. Code, § 6400.)

Existing law prohibits incarcerated persons from family visits based solely on the fact that the incarcerated person is sentenced to life without the possibility of parole or is sentenced to life and is without a parole date. (Pen. Code, § 6404.)

Existing law requires emergency in-person contact visits and video calls to be made available whenever an incarcerated person is hospitalized due to a serious or critical medical condition, including imminent danger of dying. Requires CDCR allow up to four visitors at one time to visit the incarcerated person when the person is in imminent danger of dying. (Pen. Code, § 6401, subd. (c).)

Existing law prohibits a local detention facility that offered in-person visitation as of January 1, 2017 from converting to video visitation only. (Pen. Code, § 4032, subd. (b).)

Existing law defines “in-person visit” to mean an on-site visit that may include barriers. Includes interactions in which an incarcerated person has physical contact with a visitor, the incarcerated person is able to see a visitor through a barrier, or the incarcerated person is otherwise in a room with a visitor without physical contact. Specifies that it does not include an interaction between an inmate and a visitor through the use of an on-site, two-way, audio-video terminal. (Pen. Code, § 4032, subd. (a)(1).)

This bill provides that a person sentenced to imprisonment in a state prison or to imprisonment in a county jail for a realigned felony shall not be deprived of their rights unless the deprivation of those rights is narrowly tailored to further a compelling security interest of the government.

This bill provides that the enumerated civil rights of incarcerated individuals may not be infringed, except if narrowly tailored to further a compelling security interest of the government.

This bill adds personal visits to the list of enumerated civil rights.

This bill specifies that the right to personal visits does not require personal visits for the realigned county jail population in a county that is not required to provide those visits.

This bill provides that personal visits are not required to be contact visits in local facilities that lack appropriate space.

This bill states that is the intent of the Legislature that a jail or other local detention facility prioritize expanding capacity for personal visits when performing a renovation or new construction.

This bill prohibits CDCR from infringing on a family member’s or intimate partner’s right to visit an incarcerated person unless the incarcerated person freely withholds consent or if the action is narrowly tailored to further a compelling security interest of the government.

This bill includes the following definitions:

- “Family member” includes a spouse of the incarcerated person, a parent of the incarcerated person’s legal or biological child, and any of the following relatives, including step, in-law, grand, and great-grand relatives: legal or biological child; child

under guardianship; sibling; parent; guardian; aunt or uncle; cousin; niece or nephew; and person with a familial-style or mentoring relationship with the incarcerated person or an above-listed family member of the incarcerated person.

- “Intimate partner” is an adult who is a spouse, former spouse, domestic partner, significant other, cohabitant, former cohabitant, or person with whom the incarcerated person has had a child or is having, or has had, a dating or engagement relationship.

This bill specifies that the enumeration of relationships within its provisions does not exclude persons with other social, religious, legal, or professional relationships from visiting an incarcerated person.

This bill requires amendments to existing regulations and any future regulations adopted by CDCR that may impact the visitation of an incarcerated person to recognize and consider the right to personal visits as a civil right pursuant and family members’ and intimate partners’ right to visits as a civil right.

This bill prohibits an in-person contact visit, including a family visit, from being denied or restricted by CDCR for any of the following reasons:

- As a disciplinary sanction against an incarcerated person, except as discipline for commission of a specified offense during a visit.
- A visitor’s criminal, juvenile delinquency, or other history of involvement with law enforcement or the criminal justice system, whether it resulted in a criminal conviction, other than a conviction for a specified offense.
- A visitor’s current status of being under supervision, including parole, postrelease community supervision, probation, or informal probation supervision.
- A visitor’s previous incarceration, including incarceration in the facility where the personal visit will take place.
- A visitor’s pending criminal charges, other than for specified offenses.
- A visitor’s outstanding unpaid fines, fees, or restitution.
- An incarcerated person’s criminal, juvenile delinquency, or other history of involvement with law enforcement or the criminal justice system, regardless of whether it resulted in a criminal conviction, other than a conviction for a specified offense.

This bill allows CDCR to deny or restrict an in-person contact visit due to an incarcerated person’s criminal history when:

- Whenever a person is sentenced to state prison for a specified sex offense against the child, as specified;
- Required or permitted by regulation in existence on or before January 1, 2024, based on convictions or arrests for sex crimes against minors; and,
- The incarcerated person’s conviction is for a registrable sex offense or violence against a family member or against a minor in the person’s care or custody, if there is a substantial risk of violence or sexual abuse against that specific visitor.

This bill provides that a visitor or incarcerated person may have their personal visits denied or restricted based only on the following conduct during a visit:

- Bringing contraband into the visiting area.
- Committing physical violence during a personal visit or the visitor screening process.
- Escaping, aiding an escape, or attempting to escape or aid an escape.
- Engaging in sexual conduct with a minor. Provides that an incarcerated person may be denied a video call with that minor or with other minors if a preponderance of the evidence shows a substantial risk of inappropriate conduct.
- Engaging in sexual conduct with an adult outside of a family visit.

This bill provides that CDCR may require an applicant to provide sufficient information to enable it to obtain the applicant's criminal history records from the Department of Justice. Prohibits CDCR from requiring an applicant to itemize their own criminal history. Prohibits CDCR from considering voluntarily submitted information in determining whether to approve the application.

This bill requires, when an incarcerated person is limited to in-person noncontact visits, the length and frequency of visits and video calls to equal the length of in-person contact visits and video calls available to the general population, reasonable space permitting.

This bill requires both the visitor and the incarcerated person to receive written notice in the case of a denial of a request for a personal visit within three days of the decision. Requires the notice to include all of the following:

- The date of the decision and its effect together with the name, title, and institutional affiliation of the decision making official.
- The reason for the denial. Provides that when the grounds for denial include criminal record information, alleged personal conduct, or any other personal or private information about either party, only the person to whom that information pertains, or about whom the allegations are made, shall receive a detailed specification of the reasons for the denial.
- Written instructions on all procedures for appeals.

This bill provides that both the visitor and the incarcerated person may reapply after 30 days of a denial of a request for a personal visit.

This bill provides that its provisions do not restrict the legal remedies available to an incarcerated person or to nonincarcerated visitors to dispute or redress denials of visitations.

This bill prohibits an incarcerated person from being required to withhold consent to a personal visit as a disciplinary sanction as a means of avoiding a disciplinary sanction or as a condition of participating in or enjoying any privilege or program while incarcerated.

This bill defines a "personal visit" as an in-person contact visit, an in-person noncontact visit, or a family visit.

This bill provides that a personal visit is "denied or restricted" if it is suspended, revoked, or terminated early and when a visitor is excluded or any other administrative action reduces a specified incarcerated person's or visitor's access to visiting.

This bill provides that a visitor may be denied visiting access per reasonable uniformly enforced department wide regulations, communicated to the public with adequate and timely notice, related to identification, dress, intoxication, search procedures, and authorization for visits by minors that are consistent with other provisions of this bill.

This bill prohibits a denial of, or restriction on, visits or visiting access from exceeding what was permissible under CDCR regulations on January 1, 2024.

This bill defines a “family visit” as an in-person contact visit that occurs overnight in a private, apartment-like facility on prison grounds in which only an eligible incarcerated person and eligible immediate family members, as both are defined in department regulations, may participate.

This bill defines a “disciplinary sanction” as a consequence of being charged with, investigated for, or found guilty of a rule violation, including a change in privilege group, except that incarcerated people may be limited to noncontact visits when placed in administrative segregation or security housing units.

This bill requires CDCR to adopt regulations that pertain to visiting rules and standards that conform with the provisions of this bill.

This bill requires CDCR to reinstate personal visits, including in-person visits and family visits, that were restricted or prohibited contrary to the standards created in the provisions of this bill prior to January 1, 2024.

This bill requires CDCR to provide at least three days of in-person visitation per week, with a minimum of seven visiting hours per day at each facility. Requires CDCR to make strenuous efforts to maximize visiting space in order to accommodate as many visitors as possible in family-friendly settings.

This bill requires, if in-person visitation is impossible due to a public health emergency, the in-person visiting hours to be replaced by an equal number of video calling hours. Requires in-person visiting to be immediately reinstated once the emergency is over.

This bill includes uncodified legislative findings and declarations.

COMMENTS

1. Need For This Bill

According to the author:

AB 958 would support the children left behind in communities that are heavily impacted by incarceration, improve in-custody conduct, and reduce recidivism by strengthening visiting rights for family members of incarcerated people. Maintaining consistent and meaningful connections between incarcerated persons and their loved ones is often difficult. Incarcerated people can be denied personal visits with family or friends as a disciplinary action unrelated to visitation or the prospective visitor. Some visits are denied due to honest mistakes on the visitor’s application or for criminal histories unrelated to abuses of the visitation privilege.

The pandemic only further exacerbated the difficulties of maintaining familial bonds. As CDCR reopens its institutions, barriers to visitation remain.

AB 958 is a comprehensive bill that removes these barriers to family visitations and helps ensure we keep Californian families connected. This bill demonstrates California's commitment to rehabilitating individuals who are incarcerated. Denying incarcerated people the right to see their loved ones impacts the mental health and well-being of both the individual and their family members. With this measure, we can ensure we are not punishing innocent family members of incarcerated individuals by denying them the right to visit their loved one, while simultaneously eliminating barriers to one of the most successful methods of reducing recidivism and improving in-custody conduct: keeping families connected.

2. Benefits of Visitation

Research has shown that in-person visitation is beneficial, particularly in reducing recidivism. (Prison Policy Initiative, *Research Roundup: The Positive Impacts of Family Contact for Incarcerated People and Their Families* (Dec. 21, 2021) available at https://www.prisonpolicy.org/blog/2021/12/21/family_contact/ [as of Jun. 21, 2023].)

Visitation has also been shown to have a positive correlation with increased compliance with prison rules. (*Ibid.*) Research has additionally found that visitation is linked to improved mental health for incarcerated individuals, including reduced depressive symptoms. (*Ibid.*) Finally, supportive family relationships can promote the psychological and physiological well-being of incarcerated individuals and their loved ones. (*Ibid.*)

3. Codified Civil Rights

Penal Code section 2601 provides that each person serving a sentence in state prison or county jail for a realigned felony has specified civil rights, including the right to inherit, own, sell, or convey real or personal property, the right to correspond confidentially with any member of the State Bar or public office, the right to marry, and the right to make a will, among others. Penal Code section 2600 provides that a person serving a sentence in state prison or county jail for a realigned felony may be deprived of such rights, and only such rights, as is reasonably related to legitimate penological interests.

This bill adds the right to personal visits to the list of enumerated civil rights. This bill also changes the standard for depriving an incarcerated person of the person's rights from a deprivation that "is reasonably related to legitimate penological interests" to a deprivation that is only permitted if "narrowly tailored to further a compelling security interest of the government."

4. Applicable Agencies

With respect to the establishment of visitation as a civil right, this bill applies to individuals incarcerated in a state prison and those serving a felony sentence in a county facility. However, this bill specifies that the right to personal visits does not require personal visits for the realigned county jail population in a county that is not required to provide those visits. Additionally, personal visits are not required to be contact visits in local facilities that lack appropriate space. This bill also changes the standard for judicial review, as discussed above, for any limitation of an enumerated civil right imposed by either a county jail or state prison.

The remaining provisions in this bill pertaining to the rules and regulations for visitations, video calls, and denial of visitations are only applicable to CDCR, leaving county jails with broader discretion as to how to implement visitation rights.

5. Visitation Regulations at Local Correctional Facilities

The Board of State and Community Corrections (BSCC) regulations on local correctional facilities require facility administrators at all local detention facilities to develop and implement written policies and procedures on visitation. (Cal. Code Regs., tit., 15, § 1062.)

Visiting programs at local correctional facilities must provide for: (1) as many in-person visits and visitors as facility schedules, space, and number of personnel will allow; (2) a publicly posted schedule of facility visiting hours, and if practicable, visiting hours should be made available on weekends, evenings, or holidays; (3) no fewer than two visits totaling at least one hour per incarcerated person each week. (Cal. Code Regs., tit., 15, § 1062, subd. (a).) The policies and procedures must include a schedule to assure that non-sentenced detainees are afforded a visit no later than the calendar day following arrest. (*Ibid.*) Further, visits may not be cancelled unless a legitimate operational or safety and security concern exists. (Cal. Code Regs., tit., 15, § 1062, subd. (b).) All canceled visits must be documented and reviewed by a facility manager. (*Ibid.*) The regulations allow video visitation to be used to supplement existing visitation programs, but not be used to fulfill the requirements if in-person visitation is requested by an incarcerated person. (Cal. Code Regs., tit., 15, § 1062, subd. (c).) Also, facilities cannot charge for visitation when visitors are onsite and participating in either in-person or video visitation. (Cal. Code Regs., tit., 15, § 1062, subd. (e).)

6. Existing CDCR Policies on Visitation

There are three types of visits in CDCR institutions: contact visits, no-contact visits, and family visits. Most incarcerated individuals who are housed in a general population setting may receive contact visits which are not limited in duration except for normal visiting hours or terminations caused by overcrowding to allow other visits to begin. Incarcerated individuals who are still in reception or are segregated from the general population (e.g., Administrative Segregation) are restricted to non-contact visits which occur with a glass partition in between the incarcerated person and the visitor and are limited in time. Finally, some incarcerated individuals are eligible for family visits which take place in private, apartment-like facilities on prison grounds and last approximately 30-40 hours. (<https://www.cdcr.ca.gov/visitors/inmate-visiting-guidelines/>)

As required by state law, the department's regulations "are made in recognition and consideration of the value of inmate visitation as a means of increasing safety in prisons, maintaining family and community connections, and preparing inmates for successful release and rehabilitation." (Cal. Code Regs., tit. 15, § 3170, subd. (a).) The regulations additionally provide that "[i]t is the intent of these regulations to establish a visiting process in the institutions/facilities of the department that is conducted in as accommodating a manner as possible, subject to the need to maintain order, the safety of persons, the security of the institution/facility, and required prison activities and operations." (*Id.*) Before a person may be permitted to visit someone incarcerated in one of CDCR's institutions, the person must apply for approval using the department's questionnaire. (Cal. Code Regs., tit. 15, § 3172, subd. (b).) Regulations require that the visiting approval application process include an inquiry of personal, identifying, and the arrest history information of the prospective visitor sufficient to complete a

criminal records clearance and a decision by the staff at the institution to approve or disapprove based upon the information provided. (Cal. Code Regs., tit. 15, § 3172, subd. (e).)

CDCR regulations provide the following non-exhaustive list of reasons for the disapproval of a prospective visitor:

- The prospective visitor has outstanding arrests or warrants, including a Department of Motor Vehicles Failure to Appear notice with no disposition from the court.
- The prospective visitor has one felony conviction within the last three years, two felony convictions within the last six years, or three or more felony convictions during the last ten years.
- The prospective visitor has any one conviction of the following types of offenses: distributing a controlled substance into or out of a state prison, correctional facility, or jail; transporting contraband, including weapons, alcohol, escape and drug paraphernalia, and cell phones or other wireless communication devices, in or out of a state prison, correctional facility, or jail; aiding or attempting to aid in an escape or attempted escape from a state prison, correctional facility, or jail; or the prospective visitor is a co-offender of the incarcerated individual.
- The prospective visitor is a former prison inmate who has not received the prior written approval of the institution head or designee.
- The prospective visitor is a supervised parolee, probationer, or on civil addict outpatient status and has not received written permission of his or her case supervisor and/or the prior approval of the institution head.
- The identity of the prospective visitor or any information on the visiting questionnaire, is omitted or falsified. (Cal. Code Regs., tit. 15, § 3172.1, subd. (b).)

Visits with an incarcerated person may, without prior notification, be terminated, temporarily suspended, or modified in response to an institution emergency as determined by the institution head or designee. (Cal. Code Regs., tit. 15, § 3170, subd. (c).)

This bill makes a number of changes to CDCR visits. First, this bill prohibits an in-person contact visit from being denied for any of the following reasons:

- As a disciplinary sanction against an incarcerated person, except as discipline for commission of a specified offense during a visit.
- A visitor's criminal, juvenile delinquency, or other history of involvement with law enforcement or the criminal justice system, whether it resulted in a criminal conviction, other than a conviction for a specified offense.
- A visitor's current status of being under supervision, including parole, postrelease community supervision, probation, or informal probation supervision.
- A visitor's previous incarceration, including incarceration in the facility where the personal visit will take place.
- A visitor's pending criminal charges, other than for specified offenses.
- A visitor's outstanding unpaid fines, fees, or restitution.
- An incarcerated person's criminal, juvenile delinquency, or other history of involvement with law enforcement or the criminal justice system, regardless of whether it resulted in a criminal conviction, other than a conviction for a specified offense.

Next, this bill provides that a visitor or incarcerated person may have their personal visits denied or restricted based only on the following conduct during a visit:

- Bringing contraband into the visiting area.
- Committing physical violence during a personal visit or the visitor screening process.
- Escaping, aiding an escape, or attempting to escape or aid an escape.
- Engaging in sexual conduct with a minor.
- Engaging in sexual conduct with an adult outside of a family visit.

This bill allows CDCR to deny a visitor access per reasonable uniformly enforced regulations related to identification, dress, intoxication, search procedures. This bill also outlines the steps the department must take if a personal visit is denied. Finally, this bill requires CDCR to provide at least three days of in-person visitation per week, with a minimum of seven visiting hours per day at each facility, and requires CDCR to make strenuous efforts to maximize visiting space in order to accommodate as many visitors as possible in family-friendly settings.

7. AB 990 Veto

AB 990 (Santiago), of the 2021-2022 Legislative Session, was substantially similar to this bill. In vetoing AB 990, the Governor stated:

My Administration has made it a priority to reform our state's rehabilitation processes, including visitation rights. In fact, this year's budget added a third day of weekly in-person visitation at all CDCR institutions and included funding to provide visitors with free transportation on select days throughout the year to all prisons. While I am in strong support of expanding and increasing visitation opportunities, the heightened standard in this legislation is likely to result in extensive and costly litigation from individuals denied visitation for what may be valid and serious safety and security concerns. I urge the author to work with CDCR to find a solution that expands access to visitation in a manner that protects all parties.

8. Argument in Support

Communities United for Restorative Youth Justice, one of the bill's co-sponsors, writes:

The United States Supreme Court has recognized a constitutional right to maintain parent-child relationships absent a compelling government interest, such as protecting a child from an unfit parent. (*Santosky v. Kramer* (1982) 455 U.S. 745, 753). The United States Court of Appeals for the Ninth Circuit has recognized that this constitutional right logically encompasses a right to maintain a relationship with a life partner. (*United States v. Wolf Child* (2012) 699 F.3d 1082, 1091).

In 2020, CDCR's budget proposal recognized that 'high quality visiting programs for inmates have been proven to reduce prison violence, maintain family bonds, break the intergenerational cycle of incarceration and smooth the reentry process, thereby reducing recidivism rates.'

In 2009, the California Legislature passed Senate Concurrent Resolution 20, which endorsed the San Francisco Children of Incarcerated Parents Partnership Bill of Rights for state prisons, including the right to a lifelong relationship with one's parents and the right to speak with, see, and touch one's parents at visits.

Minimum prison standards of the American Bar Association and United Nations similarly require regular access to visits and communication with friends and family members. Regular visits are critical to the mental health of incarcerated people, affecting their conduct in custody and their successful reentry once released.

As early as January 1972, a study by the California Department of Corrections Research Division identified its 'central finding' as 'the discovery of a strong and consistently positive relationship between parole success and the maintenance of strong family ties while in prison. . . .evidence suggests that the inmate's family should be viewed as the prime treatment agent and family contacts as a major correctional technique.' [...]

Research shows that visits and family programming reduce disciplinary infractions, increase the chances of successful parole, and decrease recidivism rates upon release and reentry into the community. Many incarcerated people rely on their families immediately after release to overcome reentry obstacles, including unemployment, debt, and homelessness.

...

AB 958 would potentially save taxpayers millions of dollars. Restoring visiting as a right would strengthen family connections and create a strong support system after release. These changes can save a significant amount of money for taxpayers by reducing recidivism (avoiding costly reincarceration), improving in-custody conduct (reducing disciplinary and security costs in prisons), and supporting healthy development of children with incarcerated parents (lowering social service spending). Strong family connections can reduce intergenerational cycles of incarceration and create healthier and safer communities throughout California.

9. Argument in Opposition

According to the California State Sheriffs' Association:

Assembly Bill 958...would provide that a person serving a felony sentence in a county jail has a right to receive personal visits and that the inmate may only be deprived of that right if it is narrowly tailored to further a compelling security interest of the government.

Sheriffs understand the benefits of visitation for incarcerated persons and their visitors, but this bill goes too far in mandating visitation at the expense of several other important considerations. By limiting the ability to suspend visitation to issues related to security, jail authorities would be prohibited from conditioning visitation and terms of visitation on behavior and discipline considerations. This language would also preclude the suspension of visitation that has been adopted

by prisons and most jails because of the COVID-19 pandemic, which necessitated limiting access to, and movement within, correctional facilities for the medical safety of inmates and staff. Future challenges like other pandemics, natural disasters, and even logistical realities like power outages and HVAC breakdowns would not suffice as legitimate reasons to cancel visitation.

By codifying a right to visitation that can only be suspended under specific and likely rare circumstances, this bill will invite costly litigation.

-- END --