

**ASSEMBLY BILL**

**No. 990**

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**Introduced by Assembly Member Bonta**  
**(Coauthors: Assembly Members Kalra, Kamlager, and Stone)**  
(Coauthor: Senator Skinner)

February 18, 2021

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An act to amend Sections 2600, 2601 and 6400 of, and to add Sections 6401, 6401.5, 6401.6, 6403, and 6405 to, the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 990, as introduced, Bonta. Prisons: inmate visitation.

(1) Under existing law, a person sentenced to imprisonment in a state prison may during that period of confinement be deprived of only those rights as is reasonably related to legitimate penological interests. Existing law enumerates certain civil rights of a state prisoner, including the right to purchase, receive, and read newspapers, periodicals, and books accepted for distribution by the United States Post Office.

This bill would include the right to personal visits as a civil right. The bill would provide that these civil rights may not be infringed upon, except as necessary and only if narrowly tailored to further the legitimate security interests of the government, and would provide that any governmental action related to these civil rights may be reviewed in court for legal error under a substantial evidence standard of review.

(2) Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to prescribe and amend rules and regulations for the administration of prisons, and requires regulations, which are adopted by the Department of Corrections and Rehabilitation, that may impact the visitation of inmates to recognize and consider 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. Existing regulations establish the framework for establishing a visiting process in prisons that is conducted in as accommodating a manner as possible, subject to the need to maintain order, the safety of persons, the security of institutions and facilities, and required prison activities and operations. Existing law requires the department to contract with a private nonprofit agency or agencies to establish and operate a visitor center outside of each state adult prison in California that has a population of more than 300 inmates, and prescribes the minimum level of services to be available to prison visitors, including emergency clothing and information on visiting regulations and processes. Existing law requires the department to cooperate with the Department of Transportation in the development of public transportation services to prisons, requires these department to evaluate the addition of stations or stops on existing bus or rail routes, or the addition of new services, which improve transportation access for visitors to prisons, and requires the department to publicize the availability of transportation services provided by the Department of Transportation.

This bill would additionally require those regulations pertaining to inmate visits to recognize and consider the right to personal visits as a civil right. The bill would establish the right of a person to have an in-person visit with an incarcerated person, and would only permit a visit to be denied in prescribed circumstances, including that the incarcerated person freely holds consent to the visit. The bill would prohibit visits from being denied, as specified, including that the incarcerated person is placed on a restricted housing status. The bill would establish various standards related to visits, including the frequency and format, such as requiring phone and video calls to be provided free of charge to the incarcerated person and caller, and not limiting the duration of in-person noncontact visits during visiting hours. The bill would require a nonuniformed social worker to be readily available during visiting hours, would make that person responsible for screening minors before visits, and would prohibit the screening of minors by a correctional officer unless the parent, or the minor who is 13 years of age or older, consents to that screening. The bill would authorize a visit to be terminated if the visitor engages in specified activity, such as wearing clothing that does not cover identified parts of the body. The bill would require security and administrative tasks,

such as computer upgrades, to be scheduled when those tasks do not interfere with visits. If a visit or call is interrupted or terminated, and the warden or a court later determines that there was no cause for the interruption or termination, the bill would require the facility to provide the visitor or caller with additional visiting or calling time, and to reimburse that person for expenses associated with the interrupted or terminated call.

This bill would require the state to contract with one or more organizations to appoint members to a visitor and caller review committee, to be composed of specified individuals, and to provide a visitor and caller liaison in each facility overseen by the department that provides in-person video or video calling. The bill would require the liaison to ensure that the rights of visitors and callers are protected during in-person and noncontact visiting and video calling at these facilities, and to be present in the visiting and video calling areas during visiting and video calling hours. The bill would require each facility overseen by the department to establish a visitor and caller review committee, consisting of specified persons, would make the committee responsible for reviewing complaints related to denied applications for visits or calling access, would require the committee to make a decision on the complaint within 20 days of the filing of that complaint, and would establish a review process for the committee's decision.

At least once per year, this bill would require each incarcerated person to be given the opportunity to designate an individual as their primary support person. If an incarcerated person is not placed in a facility that is within 100 miles of their primary support person, the bill would require that the primary support person and their minor children be given free transportation, transportation vouchers, or transportation reimbursement from an organization that contracts with the department to provide free or subsidized transportation for visits with incarcerated persons, as specified.

This bill would require the department to adopt regulations necessary to effectuate this act, including emergency regulations.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

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

9 (2) In 2009, the Legislature passed Senate Concurrent Resolution  
10 No. 20 (Resolution Chapter 88 of the Statutes of 2009), which  
11 encouraged the Department of Corrections and Rehabilitation to  
12 use the bill of rights created by the San Francisco Children of  
13 Incarcerated Parents Partnership as a framework for analysis and  
14 determination of procedures when making decisions about services  
15 for the children of incarcerated parents.

16 (3) The bill of rights created by the San Francisco Children of  
17 Incarcerated Parents Partnership includes all of the following:

18 (A) The child has the right to speak with, see, and touch their  
19 parent. Actions to realize this right include, but are not limited to,  
20 providing access to visiting rooms that are child-centered,  
21 nonintimidating, and conducive to bonding, considering proximity  
22 to family when siting prisons and assigning incarcerated persons,  
23 and encouraging child welfare departments to facilitate contact.

24 (B) The child has the right to support as that child faces a  
25 parent’s incarceration. Actions to realize this right include, but are  
26 not limited to, training adults who work with young people to  
27 recognize the needs and concerns of children whose parents are  
28 incarcerated, providing access to specially trained therapists,  
29 counselors, and mentors, and allocating 5 percent of the  
30 corrections-related budget to support the families of incarcerated  
31 persons.

32 (C) The child has a right to a lifelong relationship with their  
33 parent. Actions to realize this right include, but are not limited to,  
34 reexamining the federal Adoption and Safe Families Act of 1997,  
35 designating a family services coordinator at prisons and jails,  
36 supporting incarcerated parents on reentry, and focusing on  
37 rehabilitation and alternatives to incarceration.

38 (4) The principles announced in the bill of rights created by the  
39 San Francisco Children of Incarcerated Parents Partnership  
40 additionally apply to close family members and loved ones of

1 incarcerated people, including individuals not traditionally defined  
2 as family members.

3 (5) The United Nations has established minimum standards for  
4 the treatment of incarcerated people that require regular  
5 communication with family and friends by visits, telephone,  
6 electronic or digital communications, and mail. Moreover,  
7 “disciplinary sanctions or restrictive measures shall not include  
8 the prohibition of family contact.”

9 (6) The American Bar Association has established minimum  
10 standards for incarcerated people that require sufficient visiting  
11 space, convenient visiting times, family-friendly environments,  
12 and no unreasonable exclusions of visitors based on criminal  
13 convictions.

14 (7) Research confirms that incarceration imposes heavy burdens  
15 on the families of incarcerated people, including trauma for the  
16 children of incarcerated parents, as recognized on the adverse  
17 childhood experience index, in addition to the high costs of  
18 maintaining contact by telephone and visits. Consistent visits also  
19 have the potential for reducing the likelihood of intergenerational  
20 criminality.

21 (8) Isolation from lack of visits and limited phone  
22 communications adversely affect the mental health of incarcerated  
23 people, and that isolation contributes to mental suffering and  
24 conflict within prisons. Research shows that visits and family  
25 programming reduce disciplinary infractions, increase the chances  
26 of successful parole, and decrease recidivism rates upon release  
27 and reentry into the community. Forty to 80 percent of incarcerated  
28 people rely on their families immediately after release to overcome  
29 reentry obstacles, including unemployment, debt, and  
30 homelessness.

31 (9) The COVID-19 pandemic has exacerbated these burdens  
32 for families and adverse effects of isolation for incarcerated  
33 persons. Since March 2020, in-person visits have been canceled,  
34 and this policy exists as of January 2021. Only limited free phone  
35 calls have been provided. Since December 2020, limited video  
36 calling has become available.

37 (b) Therefore, it is the intent of the Legislature to strengthen  
38 visiting rights to support the emotional health of Californians and  
39 their incarcerated loved ones, to improve in-custody conduct, and  
40 to reduce recidivism. By strengthening these visiting rights, it is

1 further the intent of the Legislature to align California law with  
 2 the practices that social science tells us are most effective for  
 3 incarcerated individuals, their family members and loved ones,  
 4 and for society as a whole.

5 SEC. 2. Section 2600 of the Penal Code is amended to read:

6 2600. (a) A person sentenced to imprisonment in a state prison  
 7 or to imprisonment pursuant to subdivision (h) of Section 1170  
 8 may during that period of confinement be deprived of ~~such rights,~~  
 9 ~~and only such rights, as is reasonably related to legitimate~~  
 10 ~~penological interests.~~ *rights if the deprivation of those rights is*  
 11 *necessary and narrowly tailored to further the legitimate security*  
 12 *interests of the government.*

13 (b) ~~Nothing in this section shall be construed to~~ *This section*  
 14 *does not* overturn the decision in Thor v. Superior Court, 5 Cal.  
 15 4th 725.

16 SEC. 3. Section 2601 of the Penal Code is amended to read:

17 2601. ~~Subject only to the provisions of that section, each~~ *Each*  
 18 *person described in Section 2600 shall have all of the following*  
 19 ~~civil rights;~~ *rights set forth under subdivisions (a) to (i), inclusive.*  
 20 *These rights may not be infringed upon, except as necessary and*  
 21 *only if narrowly tailored to further the legitimate security interests*  
 22 *of the government. Any governmental action related to these rights*  
 23 *may be reviewed in court for legal error and under a substantial*  
 24 *evidence standard of review.*

25 (a) Except as provided in Section 2225 of the Civil Code, to  
 26 inherit, own, sell, or convey real or personal property, including  
 27 all written and artistic material produced or created by the person  
 28 during the period of imprisonment. However, to the extent  
 29 authorized in Section 2600, the Department of Corrections *and*  
 30 *Rehabilitation* may restrict or prohibit sales or conveyances that  
 31 are made for business purposes.

32 (b) To correspond, confidentially, with any member of the State  
 33 *Bar of California* or holder of public office, provided that the prison  
 34 authorities may open and inspect incoming mail to search for  
 35 contraband.

36 (c) (1) To purchase, receive, and read any and all newspapers,  
 37 periodicals, and books accepted for distribution by the United  
 38 States Post Office. Pursuant to this section, prison authorities may  
 39 exclude any of the following matter:

1 (A) Obscene publications or writings, and mail containing  
2 information concerning where, how, or from whom this matter  
3 may be obtained.

4 (B) Any matter of a character tending to incite murder, arson,  
5 riot, violent racism, or any other form of violence.

6 (C) Any matter concerning gambling or a lottery.

7 (2) ~~Nothing in this section shall be construed as limiting~~ *This*  
8 *section does not limit* the right of prison authorities to do *either of*  
9 the following:

10 (A) Open and inspect any and all packages received by an  
11 inmate.

12 (B) Establish reasonable restrictions ~~as to~~ on the number of  
13 newspapers, magazines, and books that the inmate may have in  
14 ~~his or her~~ *their* cell or elsewhere in the prison at one time.

15 (d) To initiate civil actions, subject to a three dollar (\$3) filing  
16 fee to be collected by the Department of ~~Corrections~~, *Corrections*  
17 *and Rehabilitation*, in addition to any other filing fee authorized  
18 by law, and subject to Title 3a (commencing with Section 391) of  
19 the Code of Civil Procedure.

20 (e) To marry.

21 (f) To create a power of appointment.

22 (g) To make a will.

23 (h) To receive all benefits provided for in Sections 3370 and  
24 3371 of the Labor Code and in Section 5069.

25 (i) *To receive personal visits.*

26 SEC. 4. Section 6400 of the Penal Code is amended to read:

27 6400. ~~Any amendments~~ *Amendments* to existing regulations  
28 and any future regulations adopted by the Department of  
29 Corrections ~~which~~ *and Rehabilitation that* may impact the visitation  
30 of inmates shall do all of the following:

31 (a) *Recognize and consider the right to personal visits as a civil*  
32 *right pursuant to subdivision (i) of Section 2601.*

33 ~~(a)~~

34 (b) Recognize and consider the value of visiting as a means to  
35 improve the safety of prisons for both staff and inmates.

36 ~~(b)~~

37 (c) Recognize and consider the important role of inmate  
38 visitation in establishing and maintaining a meaningful connection  
39 with family and community.

40 ~~(c)~~

1 (d) Recognize and consider the important role of inmate  
 2 visitation in preparing an inmate for successful release and  
 3 rehabilitation.

4 SEC. 5. Section 6401 is added to the Penal Code, to read:

5 6401. (a) A person shall have the right to an in-person contact  
 6 visit with an incarcerated person.

7 (b) A visit may only be denied as follows:

8 (1) (A) The visitor has committed one or more of the following  
 9 offenses in a prison or jail:

10 (i) They brought contraband into the facility during a visit. For  
 11 purposes of this clause, contraband excludes any lawful amount  
 12 of alcohol, marijuana, or other intoxicants for personal use in a  
 13 vehicle parked on facility grounds.

14 (ii) (I) They engaged in sexual intercourse, penetration,  
 15 masturbation, or oral copulation during a visit with a person other  
 16 than a family visit.

17 (II) For purposes of this subdivision, “masturbation” shall mean  
 18 skin-to-skin contact with genitalia.

19 (iii) They committed violence during a visit or the visiting  
 20 screening process.

21 (iv) They attempted, or aided in, an escape during a visit.

22 (B) A visitor who has committed an offense described under  
 23 clause (i) to (iv), inclusive, of subparagraph (A) may be denied  
 24 visits for up to one year after the commission of that offense.

25 (2) (A) The visitor has not provided a criminal history report,  
 26 as issued by the Department of Justice, and government issued  
 27 photographic identification before approval of a visitor application.  
 28 A visitor who fails to provide this information may be denied the  
 29 right to visit until the required information is provided and the  
 30 application is processed.

31 (B) For purposes of subparagraph (A), the criminal history report  
 32 shall be obtainable by the prospective visitor free of charge.

33 (3) The incarcerated person freely withholds consent to the visit.  
 34 The incarcerated person shall not be required to withhold consent  
 35 to a visit as a disciplinary sanction, as a means of avoiding a  
 36 disciplinary sanction, or as a condition of participating in  
 37 programming or enjoying any privilege while incarcerated.

38 (c) A visit shall not be denied for any of, but not limited to, the  
 39 following reasons:

1 (1) As a disciplinary sanction against the incarcerated person  
2 that is not based on any violation of a law or regulation by the  
3 incarcerated person that occurred during the incarcerated person's  
4 visit with the affected visitor.

5 (2) Solely due to the incarcerated person's restricted housing  
6 status, including placement in administrative segregation or a  
7 security housing unit.

8 (3) Due to an omission or inaccuracy on the visitor application  
9 if the omitted or correct information is provided on the visitor's  
10 criminal history report, as issued by the Department of Justice.

11 (4) Because of a visitor's criminal, juvenile delinquency, or  
12 other history of involvement with law enforcement, whether or  
13 not it resulted in a criminal conviction, other than a conviction for  
14 an offense listed in paragraph (1) of subdivision (b), a visitor's  
15 current status of being under parole, postrelease community  
16 supervision, probation, or informal probation supervision, or a  
17 visitor's previous incarceration, including incarceration in the  
18 facility where the visit will take place.

19 (5) Due to the nature of the incarcerated person's criminal,  
20 juvenile delinquency, or other history of involvement with law  
21 enforcement, regardless of whether it resulted in a criminal  
22 conviction, other than a conviction for an offense set forth under  
23 clause (i) to (iv), inclusive, of subparagraph (A) of paragraph (1)  
24 of subdivision (b), except when required by Section 1202.05.

25 (d) To the extent that visiting rules and standards, as prescribed  
26 in Title 15 of the California Code of Regulations, conflict with  
27 this section, the Department of Corrections and Rehabilitation  
28 shall adopt regulations that conform with this section.

29 SEC. 6. Section 6401.5 is added to the Penal Code, to read:

30 6401.5. (a) In-person contact visits, noncontact visits, family  
31 visits, phone calls, and video calls shall each be provided no less  
32 frequently than every day from 8:00 a.m. to 8:00 p.m. Sufficient  
33 visiting and calling space and times shall be made available to  
34 allow every person who seeks a contact visit, a noncontact visit,  
35 family visit, a phone call, or a video call with an incarcerated  
36 person to have that visit or call with that person when requested.

37 (b) Phone and video calls shall be provided free of charge to  
38 the incarcerated person and the caller.

39 (c) In-person contact and noncontact visits shall not be limited  
40 in duration within the visiting hours.

1 (d) A cell phone or tablet that is capable of voice over internet  
2 protocol shall be provided free of charge to each incarcerated  
3 person. This phone or tablet shall have the ability to send and  
4 receive calls and emails while the incarcerated person is in their  
5 housing area. The incarcerated person shall have the right, when  
6 not engaged in programming or a work assignment, to send and  
7 receive calls and emails to and from a preapproved list of personal  
8 correspondents, an attorney, court, legal library, or legal services  
9 organization.

10 (e) Emergency phone calls shall be made available to persons  
11 outside of the Department of Corrections and Rehabilitation and  
12 to incarcerated people, as specified under paragraphs (1) and (2).  
13 The Department of Corrections and Rehabilitation shall provide  
14 persons outside the facility the means to initiate a phone call to an  
15 incarcerated person in either of the circumstances described in  
16 paragraphs (1) and (2).

17 (1) Whenever the incarcerated person has been hospitalized or  
18 moved to a medical unit of the facility.

19 (A) At least once a year, every incarcerated person shall be  
20 asked whom they want covered by their medical release of  
21 information and shall be assisted in completing the necessary  
22 paperwork.

23 (B) Within 24 hours of an incarcerated person being hospitalized  
24 or moved to a medical unit, the Department of Corrections and  
25 Rehabilitation shall inform all persons covered by the current  
26 release about the incarcerated person's health status, and shall  
27 facilitate a phone call between the incarcerated person and those  
28 persons.

29 (C) If the incarcerated person is able to provide knowing and  
30 voluntary consent, the Department of Corrections and  
31 Rehabilitation shall ask the incarcerated person whether they want  
32 to add people to their medical release who have not previously  
33 been designated. The Department of Corrections and Rehabilitation  
34 shall assist, as necessary, the incarcerated person in completing  
35 the paperwork. The Department of Corrections and Rehabilitation  
36 shall promptly inform the newly designated person of the  
37 incarcerated person's condition and facilitate a phone call between  
38 the incarcerated person and the newly designated person.

39 (D) If a person outside of the Department of Corrections and  
40 Rehabilitation seeks information about an incarcerated person who

1 has been hospitalized or moved to a medical unit of the facility,  
2 and that person is not covered by the incarcerated person's medical  
3 release, the Department of Corrections and Rehabilitation shall  
4 ask the incarcerated person if they want to include the inquiring  
5 person in the scope of their medical release. If appropriate, the  
6 Department of Corrections and Rehabilitation shall amend the  
7 medical release, including assisting the incarcerated person with  
8 the necessary paperwork, if the incarcerated person is able to  
9 provide knowing and voluntary consent. The Department of  
10 Corrections and Rehabilitation shall subsequently and promptly  
11 inform the inquiring person of the incarcerated person's medical  
12 condition and facilitate a phone call between the incarcerated  
13 person and the newly designated person.

14 (2) The Department of Corrections and Rehabilitation shall  
15 maintain a dedicated line for outside people to call to inform the  
16 department that a family member, approved visitor or caller, or  
17 primary support person, as designated in subdivision (a) of Section  
18 6405, of the incarcerated person has been hospitalized, becomes  
19 critically ill, or has died. Upon receipt of these calls, the  
20 Department of Corrections and Rehabilitation shall notify the  
21 incarcerated person.

22 (f) Emergency in-person contact visits shall be made available  
23 whenever an incarcerated person is hospitalized or moved to a  
24 medical unit within the facility and the incarcerated person is in  
25 critical or more serious medical condition.

26 (g) Whenever in-person visiting is impossible, all previously  
27 scheduled in-person visiting time shall be replaced by additional  
28 video calling time that is free of charge to the incarcerated person  
29 and the caller.

30 (h) To the extent that visiting rules and standards, as prescribed  
31 in Title 15 of the California Code of Regulations, conflict with  
32 this section, the Department of Corrections and Rehabilitation  
33 shall adopt regulations that conform with this section.

34 SEC. 7. Section 6401.6 is added to the Penal Code, to read:

35 6401.6. (a) A nonuniformed social worker, who is chosen and  
36 trained by the visitor and caller liaison, as specified in Section  
37 6403, shall be readily available during visiting hours, and shall be  
38 responsible for screening minors before any visit. The screening  
39 of a minor shall not be conducted by a correctional officer unless  
40 the parent, or the minor who is 13 years of age or older, consents.

1 (b) A licensed health care provider shall be readily available  
2 during visiting hours, and shall be responsible for conducting  
3 unclothed body searches. An unclothed body search shall be  
4 conducted in a private location. An unclothed body search shall  
5 not be conducted by a correctional officer unless the visitor  
6 consents.

7 (c) A search of clothing and personal property shall be conducted  
8 in the presence of the visitor, and, if requested by the visitor, shall  
9 be video recorded.

10 (d) A prison employee shall only enforce visiting rules and  
11 standards prescribed in law, including this code and Title 15 of  
12 the California Code of Regulations.

13 (e) A visit may be terminated only if the visitor engages in any  
14 of the following during the visit:

15 (1) Fails to provide a valid government-issued photo  
16 identification at the time of the visit for each adult visitor,  
17 emancipated minor visitor, and minor who is a spouse of the  
18 incarcerated person whom the minor seeks to visit, or fails to  
19 provide valid documentation of a change of name or address from  
20 that information supplied on the visitor's application. Valid  
21 documentation includes, but is not limited to, marriage or divorce  
22 court documents, a lease or deed, an item of mail delivered to the  
23 new address, and a temporary driver's license or permit.

24 (2) Fails to provide documentation establishing that an adult  
25 accompanying a minor not described in paragraph (1) is the minor's  
26 parent or legal guardian or has permission from the minor's parent  
27 or legal guardian to visit the incarcerated person whom the minor  
28 seeks to visit.

29 (3) Notwithstanding paragraphs (1) and (2), inclusive, prison  
30 employees may waive identification and documentation  
31 requirements.

32 (4) Wears clothing that resembles the clothing of people  
33 incarcerated or employed at the facility and refuses to change into  
34 different clothing.

35 (5) (A) Wears clothing that does not cover most of the front  
36 and back torso, thighs, and breasts, or does not completely cover  
37 the buttocks, genitalia, and areola.

38 (B) Wears clothing described in subparagraph (A) and refuses  
39 to change into different clothing.

1 (6) Disrupts the visiting area, fails to follow staff instructions,  
2 or engages in sexual conduct, as defined in subdivision (f), other  
3 than in a family visit, after the visitor has been counseled to stop  
4 and warned that continuing the behavior could lead to termination  
5 of the visit.

6 (7) Refuses to submit to a search as authorized under this  
7 section.

8 (8) Commits any of the offenses listed in subparagraph (A) of  
9 paragraph (1) of subdivision (b) of Section 6401.

10 (f) (1) For purposes of this section, “sexual conduct” means  
11 either of the following:

12 (A) The rubbing or touching of any breast, buttock, or sexual  
13 organ for the purpose of arousing, appealing to, or gratifying lust,  
14 passions, or sexual desires.

15 (B) The exposure of any breast, buttock, or sexual organ for the  
16 purpose of arousing, appealing to, or gratifying lust, passions, or  
17 sexual desires.

18 (2) For purposes of this section, sexual conduct excludes any  
19 acts addressed under subparagraphs (A) to (D), inclusive, and the  
20 Department of Corrections and Rehabilitation shall not prohibit  
21 those acts.

22 (A) Holding hands or touching the head, back, shoulders, or  
23 lower thighs.

24 (B) For a child who is 12 years of age or younger, sitting on an  
25 adult’s lap.

26 (C) Hugging or kissing at the beginning or end of a visit.

27 (D) Hugging or kissing at any time with a child who is 12 years  
28 of age or younger.

29 (g) Security and administrative tasks, including computer  
30 upgrades, shall be scheduled at a time that does not interfere with  
31 visiting or when there is additional staff available to perform those  
32 tasks to ensure the tasks do not interfere with visiting. Whenever  
33 facility visiting hours are canceled or reduced due to a genuine  
34 emergency, the facility shall provide accommodations for visitors  
35 who show up for visits on that day, and these accommodations  
36 shall continue until visits are again made available. Additional  
37 visiting hours shall be scheduled within 24 hours of the termination  
38 of visits due to the emergency if necessary to accommodate the  
39 visitors.

1 (h) If a visit or call is interrupted or terminated, and the warden  
2 or a court later determines there was no cause for the interruption  
3 or termination, the facility shall provide the visitor or caller with  
4 additional visiting and calling time, and shall reimburse the visitor  
5 or caller for any expenses associated with the interrupted or  
6 terminated call.

7 (i) To the extent that visiting rules and standards, as prescribed  
8 in Title 15 of the California Code of Regulations, conflict with  
9 this section, the Department of Corrections and Rehabilitation  
10 shall adopt regulations that conform with this section.

11 SEC. 8. Section 6403 is added to the Penal Code, to read:

12 6403. (a) (1) The state shall contract with one or more  
13 organizations, as described in paragraph (2), to appoint members  
14 of a visitor and caller review committee and to provide a visitor  
15 and caller liaison in each facility overseen by the department that  
16 provides in-person visiting or video calling. The contract shall not  
17 be terminated on the ground that one or more of the liaisons  
18 zealously advocates for the rights of visitors or callers.

19 (2) The organization shall be led by formerly convicted or  
20 incarcerated or system-impacted people, and shall have at least a  
21 five-year history of providing services to, or advocating for, those  
22 people independent of the Department of Corrections and  
23 Rehabilitation. System-impacted refers people who have borne  
24 financial or other costs of having relationships with currently or  
25 formerly convicted or incarcerated people.

26 (b) (1) The liaison shall ensure that the rights of visitors and  
27 callers are protected during all in-person contact and noncontact  
28 visiting and video calling at facilities overseen by the Department  
29 of Corrections and Rehabilitation.

30 (2) The liaison shall be present in the visiting and video calling  
31 areas during all visiting and video calling hours, and shall be  
32 authorized to interact directly and promptly with staff in the visiting  
33 or video calling areas to raise concerns about compliance with  
34 laws and regulations on visiting and video calling.

35 (3) If unable to resolve a concern with staff, the liaison shall  
36 have the right to immediately contact the highest official on duty  
37 to raise the concern.

38 (4) If the concern is not resolved, the liaison or the affected  
39 visitor or caller may individually or collectively file a formal  
40 complaint, and the warden shall be required to resolve and respond

1 to the complaint within three days. Once a complaint is made,  
2 surveillance video of the relevant visiting or calling area for the  
3 date and time of the alleged violation shall be preserved until the  
4 complaint and any subsequent legal proceeding are resolved.

5 (c) Each institution within the Department of Corrections and  
6 Rehabilitation shall establish a visitor and caller review committee  
7 consisting of an equal number of persons appointed by one or more  
8 organizations, as described in paragraph (2) of subdivision (a),  
9 and persons appointed by the warden. If an application for visiting  
10 or calling access is denied, or visiting or calling rights are  
11 suspended or revoked, and a complaint is filed, this committee  
12 shall meet to review the complaint and determine whether a  
13 violation of law or regulations occurred. The committee shall make  
14 a decision on the complaint within 20 days of the filing of the  
15 complaint. The committee's decision, or the opinions of the  
16 committee members if the committee is not able to reach  
17 consensus, shall be reviewed by the warden, who shall make a  
18 final decision within 15 days of receiving the committee's  
19 communication. The warden's decision shall be reviewable by a  
20 superior court upon de novo review by petition for a writ of habeas  
21 corpus. The visitor or caller shall have third-party standing to raise  
22 issues on behalf of the incarcerated person whose visit or call was  
23 affected. Upon request, the liaison shall assist people who have  
24 been denied visiting and calling access.

25 (d) A liaison, or the affected visitor or caller, may individually  
26 or collectively file a complaint for noncompliance of visiting rules  
27 and laws, including Section 6405, by way of a petition for a writ  
28 of habeas corpus filed in superior court, and that court shall make  
29 a decision upon de novo review. The visitor or caller shall have  
30 third-party standing to raise issues on behalf of the incarcerated  
31 person whose visit or call was affected.

32 (e) If a visitor's or caller's visit or call is interrupted or  
33 terminated, and the warden or a court later determines there was  
34 no cause for the interruption or termination, the facility shall  
35 provide the visitor or caller with additional visiting and calling  
36 time, and shall reimburse the visitor or caller for any expenses  
37 associated with the interrupted or terminated call.

38 SEC. 9. Section 6405 is added to the Penal Code, to read:

1 6405. (a) At least once a year, each incarcerated person shall  
2 be given the opportunity to designate an individual as a “primary  
3 support person.”

4 (b) If an incarcerated person is not placed in a facility  
5 administered by the Department of Corrections and Rehabilitation  
6 that is within 100 miles of the residence of the incarcerated  
7 person’s primary support person, as designated by the incarcerated  
8 person pursuant to subdivision (a), the primary support person and  
9 their minor children shall receive free transportation, transportation  
10 vouchers, or transportation reimbursement from an organization,  
11 as described in subdivision (c). These services shall be sufficient  
12 to visit the incarcerated person once a month.

13 (c) (1) The state shall contract with an organization to provide  
14 free or subsidized transportation for visits with incarcerated people.  
15 The contract shall require the organization to provide free  
16 transportation, transportation vouchers, or transportation  
17 reimbursement as set forth in subdivision (b). Transportation  
18 compensation shall be paid at the state government reimbursement  
19 rate.

20 (2) This organization shall be led by formerly incarcerated or  
21 system-impacted people, and shall have at least a one-year history  
22 of providing services to or advocating for these people independent  
23 of the Department of Corrections and Rehabilitation.  
24 System-impacted refers to people who have borne financial or  
25 other costs of having relationships with currently or formerly  
26 incarcerated people.

27 (d) The department shall not transfer the incarcerated person in  
28 order to avoid transportation costs pursuant to subdivision (c)  
29 unless the incarcerated person freely consents.

30 SEC. 10. The Department of Corrections and Rehabilitation  
31 shall adopt regulations necessary to effectuate this act, including  
32 emergency regulations, pursuant to the Administrative Procedure  
33 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
34 Division 3 of Title 2 of the Government Code).