

Date of Hearing: March 3, 2026

Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1645 (Mark González) – As Introduced January 27, 2026

SUMMARY: Prohibits the Department of Corrections and Rehabilitation (CDCR) regulations from unreasonably restricting nonsexual physical contact between incarcerated persons and their visitors during contact visits. Specifically, **this bill:**

- 1) 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.
- 2) Provides that these regulations shall not unreasonably restrict the ability of incarcerated persons or their visitors to have nonsexual physical contact throughout the visit.
- 3) Defines “nonsexual physical contact” to include, but not be limited to, all of the following:
 - a) Hand holding;
 - b) Kissing;
 - c) Hugging and lateral holding or side-to-side contact;
 - d) Linking arms;
 - e) In-movement or transitory touching;
 - f) Touching of the face or hair;
 - g) Adjusting each other’s clothing without removing articles of clothing;
 - h) Holding of the incarcerated person’s minor children and holding of their minor children while accompanied by an adult;
 - i) Feeding of the incarcerated person’s minor children;
 - j) Feeding of the incarcerated person by minor children; and,
 - k) Any other physical touch that a reasonable person would define as nonsexual and appropriate.

- 4) Requires CDCR, in amending existing regulations or adopting future regulations impacting visitation, to recognize and consider the importance of nonsexual physical contact in incarcerated person visitation.

EXISTING LAW:

- 1) Provides that any amendments to existing regulations and any future regulations adopted by CDCR that may impact visitation of incarcerated persons shall do all of the following:
 - a) Recognize and consider the value of visiting as a means to improve the safety of prisons for both staff and incarcerated persons;
 - b) Recognize and consider the important role of incarcerated person visitation in establishing and maintaining a meaningful connection with family and community;
 - c) 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).)
- 2) States that, except for the following, no bodily contact is permitted during visitation:
 - a) Accompanying adults shall ensure that minors remain under their constant control and supervision;
 - b) 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;
 - c) Incarcerated persons and their visitors may hold hands;
 - d) At the beginning and end of each visit, incarcerated persons and their visitors may briefly embrace and/or kiss; and,
 - e) 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).)
- 3) Requires, at intake, every incarceration person to be asked whom they want on their approved visitor list. (Pen. Code, § 6400.)
- 4) Requires CDCR to develop policies related to the department's contraband interdiction efforts for individuals entering CDCR detention facilities, including among others:
 - a) Application to all individuals, including visitors;
 - b) Use of methods to ensure that profiling is not practiced during random searches or searches of all individuals entering the prison at that time;
 - c) Establishment of unpredictable, random search efforts and methods;

- d) 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,
 - e) 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).)
- 5) 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.)
 - 6) 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).)
 - 7) Requires CDCR, for an in-person visit, to all allow a visitor with an infant or toddler to bring items related to the care of the child. (Pen. Code, § 6405, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “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 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 right step forward to use the carceral system for recovery, not retaliation.”

- 2) **Incarcerated Person Visitation and the Effect of the bill:** 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.¹ 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.²

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.”³ 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.”⁴ 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.⁵

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

¹ <https://www.cdcr.ca.gov/visitors/>

² Cal. Code Regs., tit. 15, § 3172.2, subd. (a)-(c).

³ <https://www.cdcr.ca.gov/visitors/types-of-visits/>

⁴ <https://www.cdcr.ca.gov/visitors/types-of-visits/>

⁵ *Ibid.*

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.⁶ 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.⁷ 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 person may hold their minor children and may hold children accompanied by an adult. (Cal. Code Regs., tit. 15, § 3175, subd. (b)-(g).)

Instead of prohibition on bodily contact with limited exceptions, this bill would prohibit CDCR regulations from unreasonably restricting the ability of incarcerated persons or their visitors to have nonsexual physical contact throughout the visit. This bill would require 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. It 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.”

- 3) **Argument in Support:** According to *Empowering Women Impacted by Incarceration*, a co-sponsor of this bill, “Families often arrive at visits unsure of what is allowed and fearful that

⁶ <https://www.cdcr.ca.gov/visitors/how-to-get-approved-to-visit-an-incarcerated-person/>

⁷ <https://www.cdcr.ca.gov/visitors/prepare-to-visit/>

normal expressions of care could result in a warning, a terminated visit, or the loss of future visiting privileges. Actions such as holding a child, adjusting clothing, or offering comfort through physical touch have been cited as violations under the vague standard of “excessive contact.” This lack of clarity places families, especially children, in an impossible position.

“AB 1645 offers a reasonable and necessary solution. By clearly defining what nonviolent and nonsexual physical contact is permitted during visits, the bill creates consistency, fairness, and predictability for families and staff alike. Allowing appropriate physical contact, including holding hands, hugging, and caring for children, recognizes the reality of family relationships and the developmental needs of children.

“Research shows that maintaining meaningful family connections supports better emotional outcomes for children, reduces misconduct within facilities, and lowers recidivism. For the families we serve, visitation is not a casual activity. It is one of the few ways they can preserve family bonds and support successful rehabilitation and reentry.

“AB 1645 affirms that dignity, humanity, and clarity belong in the visitation process.”

- 4) **Related Legislation:** AB 1646 (Bryan) would provide that all youth confined in a juvenile facility 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. AB 1646 is set to be heard by the Committee today.
- 5) **Prior Legislation:**
 - a) AB 1226 (Haney), Chapter 98, Statutes of 2023, required the California Department of Corrections and Rehabilitation (CDCR) to assign or reassign an incarcerated person in the correctional institution or facility that is located nearest to the primary place of residence of the person’s child, except as specified.
 - b) AB 958 (Santiago), of the 2023-2024 Legislative Session, would make the right to visitation in correctional facilities a civil right, as specified. AB 958 was held in suspense in the Assembly Appropriations Committee.
 - c) AB 990 (Santiago), of the 2021-2022 Legislative Session, would have made the right to visitation in correctional facilities a civil right, as specified. AB 990 was vetoed.
 - d) SB 1008 (Becker) Chapter 827, Statutes of 2022, requires CDCR to provide voice communication services to incarcerated persons free of charge.
 - e) SB 1139 (Kamlager) Chapter 837, Statutes of 2022, requires, among other things, emergency in-person contact visits and video calls to be made available whenever an incarcerated person is hospitalized or moved to a medical unit within the facility and the incarcerated person is in a critical or more serious medical condition.
 - f) AB 964 (Medina), of the 2019-2020 Legislative Session, would have required all local detention facilities to offer in-person visitation. AB 964 was held on the Assembly Appropriations suspense file.

- g) SB 843 (Committee on Budget), Chapter 33, Statutes of 2016, barred prohibiting 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.
- h) SB 1157 (Mitchell), of the 2015-2016 Legislative Session, would have prohibited local correctional facilities and juvenile facilities from replacing in-person visits with video or other types of electronic visitation. SB 1157 was vetoed.
- i) SCR 20, Chapter 88, Statutes of 2009, encouraged correctional facilities to distribute the Children of Incarcerated Parents Bill of Rights to children of incarcerated parents, and to use the bill of rights as a framework for analysis and determination of procedures when making decisions about services for these children.
- j) AB 2133 (Goldberg), Chapter 238, Statutes of 2002, required that any amendments to regulations adopted by CDCR which may impact the visitation of incarcerated persons recognize and consider the value of visitation as a means of increasing safety in prisons, maintaining family and community connections, and preparing inmates for successful release and rehabilitation.

REGISTERED SUPPORT / OPPOSITION:

Support

Essie Justice Group (Co-Sponsor)
 A New Path
 A New Way of Life Re-entry Project
 Bridges of Hope CA
 California Community Foundation
 Californians for Safety and Justice (CSJ)
 Californians United for a Responsible Budget
 Communities United for Restorative Youth Justice (CURYJ)
 Community Works West
 Courage California
 Democracy Beyond Bars
 Ella Baker Center for Human Rights
 Empowering Women Impacted by Incarceration
 Fair Chance Project
 Friends Committee on Legislation of California
 Glide
 Initiate Justice
 Jesse's Place Org
 Justice2jobs Coalition
 LA Defensa
 Legal Services for Prisoners With Children / All of US or None
 Local 148 LA County Public Defenders Union
 Restoring Hope California
 San Francisco Public Defender

Showing Up for Racial Justice - San Francisco (surj Sf)
The Change Parallel Project
The Place4grace
Universidad Popular
Youth Leadership Institute
119 Private Individuals

Opposition

None Submitted

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744