

CONCURRENCE IN SENATE AMENDMENTS

AB 1645 (Mark González and Bryan)

As Amended August 13, 2026

Majority vote

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.

Senate Amendments

- 1) Limits kissing to the beginning and end of the visit, and brief kisses on the cheek or forehead during the visit, and limits an embrace to the beginning and end of the visit.
- 2) Provide that, before terminating a visit, issuing a rules violation, or taking other disciplinary action based on alleged minor violations of inappropriate physical contact, department staff shall provide a clear verbal warning and a reasonable opportunity to immediately correct the conduct. If the contact continues, or there are excessive or unlawful activities occurring, the department may take action appropriate for the situation.
- 3) Provide that this section does not prohibit or discourage other forms of nonsexual physical contact that department staff determine is reasonable, appropriate, and consistent with this section.
- 4) Provide that this section does not limit the department's authority to conduct searches, supervise visits, or impose restrictions necessary to prevent the introduction or exchange of contraband.

COMMENTS

As Passed by the Assembly, this bill: Prohibited the Department of Corrections and Rehabilitation (CDCR) regulations from unreasonably restricting nonsexual physical contact between incarcerated persons and their visitors during contact visits.

Major Provisions

- 1) Required 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) Provided that these regulations shall not unreasonably restrict the ability of incarcerated persons or their visitors to have nonsexual physical contact throughout the visit.
- 3) Defined "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) Required 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.

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."

Arguments 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 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."

Arguments in Opposition

None submitted.

FISCAL COMMENTS

According to the Senate Appropriations Committee, "Unknown, potentially major costs to CDCR to enhance visitation monitoring, screening and contraband interdiction activities if visitation related physical contact is expanded. Expanded physical contact allowances and the requirement that such contact shall be permitted during the visit may require operational adjustments to maintain institutional safety and security (General Fund)."

VOTES:

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Wilson

ASM APPROPRIATIONS: 14-1-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta

NO: Tangipa

ASSEMBLY FLOOR: 73-2-5

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, Dixon, Elhawary, Ellis, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO: DeMaio, Tangipa

ABS, ABST OR NV: Arambula, Chen, Gabriel, Patterson, Celeste Rodriguez

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNeerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

UPDATED

VERSION: August 13, 2026

CONSULTANT: Andrew Ironside / PUB. S. / (916) 319-3744

FN: 0004069