

Date of Hearing: March 3, 2026

Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1646 (Bryan) – As Introduced January 27, 2026

SUMMARY: Establishes the right of youth confined in juvenile facilities to nonsexual and appropriate physical contact with visitors during in-person visits. Specifically, **this bill:**

- 1) Provides that all youth confined in a juvenile facility, before, during, or after adjudication of wardship, shall have the right to engage in physical contact with visitors during in-person visits that a reasonable person would find nonsexual and appropriate under the circumstances, including hugging at the beginning and end of the visit and holding hands.
- 2) Requires all juvenile facilities to establish regulations and procedures for in-person visitation consistent with the above.

EXISTING LAW:

- 1) States that the purpose of the juvenile court system is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and that minors under the jurisdiction of the juvenile court who are in need of protective services shall receive care treatment and guidance consistent with their best interest and the best interests of the public. (Welf. & Inst. Code, § 202, subds. (a), (b).)
- 2) Defines “juvenile facility” as juvenile hall, juvenile camp or ranch, a facility of the CDCR, Division of Juvenile Facilities, a regional youth educational facility, a youth correctional center, a juvenile regional facility or any other local or state facility used for the confinement of minors or wards. (Welf. & Inst. Code, § 208.3, subd. (a).)
- 3) Authorizes the court to place a ward of the court in juvenile facility, as specified. (Welf. & Inst. Code, § 726.)
- 4) Provides that juvenile halls shall not be deemed to be, nor be treated as, penal institutions and that juvenile halls shall be safe and supportive homelike environments. (Welf. & Inst. Code, § 851.)
- 5) Requires the Board of State and Community Corrections (BSCC) to adopt minimum standards for the operation and maintenance of juvenile halls for the confinement of minors. (Welf. & Inst. Code, § 210.)
- 6) Establishes the Youth Bill of Rights. (Welf. & Inst. Code, § 241.7 et seq.)

- 7) States that it is the policy of the state that all youth confined in a juvenile facility have specified rights, including, among others,
 - a) To maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members, through visits, telephone calls, and mail.
 - b) To not be deprived of contact with parents, guardians, family, or attorneys as a disciplinary measure.
 - c) To information about their rights as parents, including available parental support, reunification advocacy, and opportunities to maintain or develop a connection with their children. (Welf. & Inst. Code, § 241.71, subds. (g), (m), (o).)
- 8) Provides that youth may be provided with access to computer technology and the internet for maintaining relationships with family as an alternative, but not as a replacement for, in-person visiting. (Welf. & Inst. Code, § 241.71, subd. (g).)
- 9) Provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “The ability to receive and give a hug to your loved ones is a critical part of the healing and transformation process for young people who are incarcerated. It’s time to stop weaponizing essential pieces of our shared humanity and calling it rehabilitation.”
- 2) **Effect of this bill:** Existing law establishes the importance of visitation for juveniles confined in juvenile facilities. In 2007, SB 518 (Migden), Chapter 649, Statutes of 2007, created The Youth Bill of Rights governing the treatment of youth confined in juvenile and adult facilities. (Ch. 649, Stats. 2007.) Among others, the Youth Bill of Rights provided for the right to maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members through visits; and, the right to not be deprived of contact with parents, guardians, family, or attorneys as a disciplinary measure. (Welf. & Inst. Code, § 241.71, subds. (g) & (m).) The list was later expanded to include, for juvenile parents, the right to information about their rights as parents, including available parental support, reunification advocacy, and opportunities to maintain or develop a connection with their children. (Welf. & Inst. Code, § 241.71, subd. (o).)

The BSCC establishes minimum standards for juvenile facilities. Existing BSCC regulations require juvenile facilities to provide for juvenile visitation with parents, guardians, and the juvenile’s children; and authorize facilities to provide for juvenile visitation with other family members, siblings, and other supportive adults. (Cal. Code Regs., tit. 15, § 1374.) BSCC regulations require visitation to occur at reasonable times, unless restrictions are justified by security concerns. (*Ibid.*) A potential visitor cannot be denied solely based on the visitor’s criminal history, unless staff determine that the visitor would be a safety risk to youth or staff

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

This bill provides that all youth confined in a juvenile facility, before, during, or after adjudication of wardship, shall have the right to engage in physical contact with visitors during in-person visits that a reasonable person would find nonsexual and appropriate under the circumstances, including hugging at the beginning and end of the visit and holding hands. It also requires all juvenile facilities to establish regulations and procedures for in-person visitation consistent with the above.

- 3) Closure of the Division of Juvenile Justice (DJJ):** This bill establishes the right of youth confined in juvenile facilities to nonsexual and appropriate physical contact with visitors during in-person visits. Existing law defines juvenile facilities as juvenile halls, juvenile camps or ranches, a facility of the CDCR, Division of Juvenile Facilities, a regional youth educational facility, a youth correctional center, a juvenile regional facility, or any other local or state facility used for the confinement of minors or wards. (Welf. & Inst. Code, § 208.3, subd. (a).)

Historically the CDCR's DJJ housed the majority of the state's juvenile offenders with the number of juveniles housed in these facilities exceeding 15,000 in the 1990's. In 2003, plaintiffs filed a lawsuit, *Farrell v. Hickman* (originally *Farrell v. Harper*), alleging that CDCR was providing inadequate care for minors housed in its facilities. In January 2005, the state and plaintiffs entered into an agreement which committed reforming the state's juvenile justice system to a rehabilitative model.

In 2007, the Legislature passed SB 81, Chapter 175, Statutes of 2007, known as juvenile justice realignment. The premise was that local authorities were better able than the State to provide rehabilitation for many juvenile offenders. Under this legislation, juvenile courts were prohibited from committing juveniles adjudicated after September 1, 2007, to DJJ unless the adjudication was for certain serious, violent, or sexual offenses.¹ Non-violent offenders housed at DJJ were transferred back to the counties. And in return, counties were provided with funding.

The Governor's January Budget in 2020 proposed to transfer DJJ to a newly created independent department within the Health and Human Services Agency on July 1, 2020. That approach was intended to align the rehabilitative mission of the state's juvenile justice system with trauma-informed and developmentally appropriate services supported by programs overseen by the state's Health and Human Services Agency. The unprecedented impact of COVID-19 resulted in the withdrawal of this proposal. Subsequently, the May Revision of the Budget proposed to expand on previous efforts to reform the state's juvenile justice system by transferring the responsibility for managing all youthful offenders to local jurisdictions.

SB 823 (Committee on Budget), Chapter 337, Statutes of 2020, included intent language to

¹ These offenses are referred to as 707(b) offenses because that is the statute in which they are listed.

establish a secure youth treatment facility as a commitment option for youth adjudicated for DJJ eligible offenses by March 1, 2021. SB 823 closed intake at the (DJJ) on July 1, 2021. Effective July 1, 2023, all DJJ facilities have closed.²

Secure Youth Treatment Facilities (SYTFs) were created as local custodial options for the custody and care of juveniles who would have previously been sent to DJJ but can no longer be committed there because of its closure. A minor can only be committed to an SYTF upon adjudication for a 707(b) offense committed at age 14 or older. As under prior law with regards to DJJ commitments, that 707(b) offense must be the most recent offense for which the minor has been adjudicated. (See Welf. & Inst. Code, §§ 875, subd. (a)(2) & 733.)

- 4) **Argument in Support:** According to *Legal Services for Prisoners with Children*, “California has made meaningful progress in advancing a rehabilitative, youth-centered approach to juvenile justice. Family engagement remains a cornerstone of that framework, and in-person visitation plays an important role in supporting youth well-being and successful reintegration. Yet across California, youth sit separated from families often by plexiglass, unable to hug hello or goodbye. A mother takes the bus for two hours to see her son and cannot hold his hand. A father watches his daughter cry and cannot embrace her. A grandchild sees his grandmother on her birthday, greets her with a hug, and has his visitation cancelled for a month. These are children, and we are denying them basic human connection at the moment they need it most.

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

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

² <https://www.cdcr.ca.gov/juvenile-justice/>

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

5) Related Legislation:

- a) AB 1645 (Gonzalez) would prohibit Department of Corrections and Rehabilitation (CDCR) regulations from unreasonably restricting nonsexual physical contact between incarcerated person and visitors during contact visits. AB 1645 is set to be heard today in this committee.
- b) AB 1647 (Bryan) would require the court to find beyond a reasonable doubt, instead of by clear and convincing evidence, that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court. AB 1647 is set to be heard today in this committee.
- c) AB 2040 (Macedo) would reduce the burden of proof for transferring minors to adult criminal court from clear and convincing evidence to preponderance of the evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. AB 2040 is pending referral.

6) Prior Legislation:

- a) SB 2321 (Jones-Sawyer), Chapter 781, Statutes of 2022, redefined the exception to room confinement in juvenile facilities for brief periods to a brief period lasting no more than one hour when necessary for institutional operations, and ensures that minors and wards confined at juvenile facilities are provided reasonable access to toilets at all hours, including during normal sleeping hours.
- b) SB 1143 (Leno), Chapter 726, Statutes of 2016, limited the use of room confinement in juvenile facilities, and banned its use for the purposes of punishment, coercion, convenience, or retaliation.
- c) SB 92 (Committee on Budget and Fiscal Review), Chapter 18, Statutes of 2021, closes DJJ on June 30, 2023, and allows counties to establish SYTFs for certain youth who are 14 years of age or older and found to be a ward of the court based on an offense that would have resulted in a commitment to DJJ.
- d) SB 823 (Committee on Budget and Fiscal Review), Chapter 337, Statutes of 2020, transferred the responsibility for managing all youthful offenders to local jurisdictions and closed DJJ intake on July 1, 2021, subject to certain exceptions. SB 823 also stated legislative intent to establish a separate, long-term local dispositional track for higher-need youth.

REGISTERED SUPPORT / OPPOSITION:**Support**

All of US or None (HQ)
Alliance for Boys & Men of Color
Anti-recidivism Coalition
Arts for Healing and Justice Network
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California Public Defenders Association
California United for a Responsible Budget (CURB)
Cancel the Contract
Children's Advocacy Institute, University of San Diego School of Law
Children's Defense Fund - CA
Communities United for Restorative Youth Justice (CURYJ)
Courage California
Ella Baker Center for Human Rights
Fresh Lifelines for Youth
Hang Out Do Good
Hangoutdogood
Haywood Burns Institute
Hoops4justice
Initiate Justice
Insideout Writers
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Liberty Hill Foundation
Local 148 LA County Public Defenders Union
Los Angeles County Public Defender's Office
Loyola Law School's Youth Justice Education Clinic
Milpa Collective
National Center for Youth Law (NCYL)
National Institute for Criminal Justice Reform
Peace and Justice Law Center
Public Works Alliance
San Francisco Public Defender
Santa Cruz Barrios Unidos
Silicon Valley De-bug
Sister Warriors Freedom Coalition
The Change Parallel Project
The Children's Partnership
The Collective for Liberatory Lawyering
Tia Chucha's Centro Cultural
Ujima Adult and Family Services
Underground Grit
Urban Peace Institute
Youth Alliance

Youth Forward
Youth Leadership Institute
1 Private Individual

Opposition

None Submitted

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