
THIRD READING

Bill No: AB 1646
Author: Bryan (D) and Mark González (D), et al.
Amended: 8/13/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 6/23/26
AYES: Arreguín, Caballero, Cortese, Pérez, Wiener
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Seyarto, Dahle

ASSEMBLY FLOOR: 59-7, 5/26/26 - See last page for vote

SUBJECT: Juvenile facilities: visitation

SOURCE: Hoops 4 Justice; Urban Peace Institute

DIGEST: This bill establishes the right of youth confined in juvenile facilities to engage in certain types of consensual physical contact with visitors during in-person visits, as specified.

ANALYSIS:

Existing law:

- 1) Provides 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. (Welfare & Institutions (Welf. & Inst.) Code, § 202, subds. (a), (b).)

- 2) Authorizes the court to place a ward of the court in juvenile facility, as specified. (Welf. & Inst. Code, § 726.)
- 3) Defines “juvenile facility” to mean a juvenile hall, juvenile camp or ranch, a facility of the California Department of Corrections and Rehabilitation (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).)
- 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, which applies to youth confined in a juvenile facility, and provides youth have specified rights. (Welf. & Inst. Code, § 241.71.)
- 7) Provides 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, phone calls, and mail. Specifies that youth may be given access to computer technology for maintaining relationships with family as an alternative, but not as a replacement for, in-person visiting.
 - 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).)

This bill:

- 1) Establishes a right for all youth confined in a juvenile facility to have the right to engage in consensual physical contact with visitors during in-person visits that a reasonable person would find appropriate under the circumstances, including hugging at the beginning and end of the visit and holding hands.
- 2) Prohibits physical contact from being restricted as a disciplinary measure.
- 3) Requires that limitations to physical contact during in-person visits is only implemented when a significant safety and security concern is present, including pursuant to any court-ordered restrictions on visitations or visitors for a youth confined in a juvenile facility or a temporary and specific health concern. Requires that physical contact is only temporarily restricted for a specific youth or visitor as necessary to address the significant safety and security concern.
- 4) Requires that all significant safety and security concerns and subsequent contact limitations to be documented in detail, including the duration of the contact limitation and any additional accommodations or security measures implemented to facilitate a return to physical contact visits.
- 5) Requires that all juvenile facilities establish regulations and procedures for in-person visitation consistent with the requirements in the bill.

Background

SB 518 (Migden, Chapter 649, Statutes of 2007), established the Youth Bill of Rights which enumerates several rights for youth confined in any juvenile facility within the state, including the right to live in a safe, healthy, and clean environment; to be free from various forms of abuse; to receive adequate and healthy meals, clean water at any time, timely access to toilets, access to daily showers, sufficient personal hygiene items, clean bedding, and clean clothing in good repair; to receive adequate, appropriate, and timely medical, reproductive, dental, vision, and mental health services provided by qualified professionals; to not be searched for the purpose of harassment or humiliation, a form of discipline or punishment, or to verify the youth's gender; to receive a rigorous, quality education; and to have daily opportunities for age-appropriate physical exercise and recreation, among others. (Welf. & Inst. Code, § 241.71.) Of relevance to this bill, the Youth Bill of Rights provides 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 BSCC establishes minimum standards for juvenile facilities. Existing BSCC regulations require juvenile facilities to develop and implement written policies and procedures for visiting. Youth must be allowed to receive visits by parents, guardians, and the youth's children. (California Code of Regulations (Cal. Code Regs.), tit. 15, § 1374.) Regulations authorize visits with other family members and other supportive adults. Regulations require visitation to occur at reasonable times unless restrictions are necessary to maintain order and security. (*Ibid.*) Regulations prohibit a visitor from being denied visitation 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 are required to provide opportunities for at least two hours of visitation per week, and facility staff are prohibited from monitoring conversations during visitation unless there is a security or safety need. (*Ibid.*) Finally, facilities may not replace in-person visitation with technological alternatives. (*Ibid.*)

This bill establishes the right for youth confined in a juvenile facility to engage in consensual physical contact with visitors during in-person visits. This bill specifies that the physical contact is contact "that a reasonable person would find appropriate under the circumstances, including hugging at the beginning and end of the visit and holding hands."

This bill allows for limitations on this right but provides that limitations can only be implemented when a significant safety and security concern is present. This bill specifies that a safety or security concern could include a court-ordered restriction on visitation or visitors for a youth as well as a temporary and specific health concern. This bill provides that limitations on the right to physical contact during in-person visits can only be restricted temporarily for a specific youth or visitor as necessary to address the significant safety and security concern.

This bill additionally requires that all significant safety and security concerns and subsequent contact limitations are documented in detail, including the duration of the contact limitation and any additional accommodations or security measures implemented to facilitate a return to physical contact visits. Finally, all juvenile facilities must establish regulations and procedures for in-person visitation consistent with the requirements outlined in this bill.

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:Yes

According to the Senate Appropriations Committee:

Likely major costs to county probation departments to provide the right to consensual physical contact in juvenile facilities. Expanded physical contact allowances and the requirement that such contact shall be permitted during in person visits may require operational adjustments to maintain institutional safety and security. These costs, possibly reimbursable by the state could be both major at the local level (Los Angeles County is estimating up to \$1 million annually) and greater in the aggregate statewide. Costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates. (General Fund).

SUPPORT: (Verified 8/13/26)

Hoops 4 Justice (co-source)
Urban Peace Institute (co-source)
A New Way of Life Re-Entry Project
ACLU California Action
Alliance for Boys and Men of Color
Anti-Recidivism Coalition
Arts for Healing and Justice Network
Back to the Start
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California Public Defenders Association
Californians United for a Responsible Budget
Cancel the Contract
Children's Advocacy Institute
Children's Defense Fund-CA
Communities United for Restorative Youth Justice;
Ella Baker Center for Human Rights
Fresh Lifelines for Youth
Friends Committee on Legislation of California
GRIP Training Institute
Initiate Justice
InsideOUT Writers
Justice2Jobs Coalition
Juvenile Justice and Delinquency Prevention Commission
La Defensa

LA Public Defender's Office
Legal Services for Prisoner With Children
Liberty Hill Foundation
Local 148 Los Angeles County Public Defender's Union
Los Angeles County
Loyola Law School's Youth Justice Education Clinic
MILPA Collective
National Center for Youth Law
National Institute for Criminal Justice Reform
Nuestra Causa
Peace and Justice Law Center
Public Works Alliance
San Quentin Skunkworks
Santa Cruz Barrios Unidos
Santa Cruz County Board of Supervisors
Silicon Valley De-Bug
Sister Warriors Freedom Coalition
The Action Project
The California Youth Justice Project
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
Universidad Popular
Upward Together
Youngsters for Change
Youth Alliance
Youth Forward
Youth Leadership Institute

OPPOSITION: (Verified 8/13/26)

Chief Probation Officers' of California

ASSEMBLY FLOOR: 59-7, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González,

Hadwick, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee,
Lowenthal, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-
Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca
Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Wallis, Ward,
Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Flora, Gallagher, Johnson, Macedo, Sanchez, Tangipa

NO VOTE RECORDED: Alanis, Castillo, Chen, Davies, Dixon, Ellis, Jeff
Gonzalez, Hoover, Lackey, Muratsuchi, Patterson, Celeste Rodriguez, Ta,
Valencia

Prepared by: Stephanie Jordan / PUB. S. /
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