
THIRD READING

Bill No: AB 2434
Author: Bonta (D), et al.
Amended: 8/13/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 6/23/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez
NO VOTE RECORDED: Wiener

SENATE APPROPRIATIONS COMMITTEE: 5-1, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto
NO VOTE RECORDED: Dahle

ASSEMBLY FLOOR: 58-16, 5/26/26 - See last page for vote

SUBJECT: Inmates: visitation

SOURCE: Essie Justice Group

DIGEST: This bill 1) requires California Department of Corrections and Rehabilitation (CDCR) facilities to provide an incarcerated person with contact visits unless the person is housed in restricted housing; 2) prohibits CDCR from denying visiting privileges for a disciplinary matter or rule violation unrelated to visitation; and 3) establishes limitations on a CDCR facility's ability to search visitors without their voluntary, informed, and written consent.

ANALYSIS:

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. (Penal (Pen.) Code, § 6400, subds. (a)-(c).)
- 2) 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).)
- 3) Requires CDCR, for an in-person visit, to allow a visitor with an infant or toddler to bring items related to the care of the child. (Pen. Code, § 6405, subd. (b).)
- 4) Defines "strip search," "physical body cavity search," and "visual body cavity search" as follows:
- "Body cavity" means the stomach or rectal cavity of a person, and the vagina of a female person;
 - "Physical body cavity search" means physical intrusion into a body cavity for the purpose of discovering any object concealed in the body cavity;
 - "Strip search" means a search which requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person; and
 - "Visual body cavity search" means visual inspection of a body cavity. (Pen. Code, § 4030, subd. (c).)

This bill:

- 1) Requires each CDCR facility to remain open for visitation at least three days per week.
- 2) Prohibits a facility from denying, revoking, suspending, limiting, or interfering with visiting privileges for a disciplinary matter or rule violation unrelated to visitation.
- 3) Prohibits a facility from immediately denying visitors entry based on correctable issues, including, but not limited to, dress code violations, excess number of accompanying minors, or missing documentation. Requires that for correctable issues, staff shall do all of the following: provide clear and specific guidance on how to remedy the issue; allow the visitor a reasonable opportunity to correct the issue and return to visiting up to one hour before the end of the visiting period; permit the visit to proceed once the issue is resolved; and offer reasonable alternatives, including a noncontact visit, if space is available, when correction is not possible that day.
- 4) Requires the facility, if a visit is denied on the day of visiting for a non-correctable issue, to provide written documentation to the visitor on the same day stating: the specific reason for denial; the length of the denial and explaining how to appeal.
- 5) Provides that a visit may not be denied if a person has traveled more than 100 miles to attend a visit or has not visited within 30 days, unless there has been a finding of a credible and documented security threat.
- 6) Authorizes a facility to subject any person coming onto the property to routine screening or a voluntary search to ensure facility security and prevent the introduction or removal of contraband.
- 7) Prohibits a facility from searching visitors without their voluntary, informed, and written consent unless facility officials possess a court-issued warrant or the individual is lawfully detained pursuant to other law. Prohibits the facility from conducting strip searches, body cavity searches, and any search involving physical intrusion without a court-issued warrant for the search.
- 8) Requires a facility to give visitors information regarding their right to refuse a voluntary search before providing their written consent to the search. Prohibits a facility from forcibly searching any visitor who does not consent to a search.

States that if a person refuses a voluntary search, as specified, the facility may only deny contact visiting for that day. States that the facility may offer a noncontact visit on the same day, if space is available, unless there is an immediate and credible security threat.

- 9) Prohibits a facility from punishing refusal to consent to a search with suspension, termination, or future restriction of visitation privileges, nor shall the refusal to consent to a search be recorded as misconduct in any permanent record.
- 10) Requires a facility, for any visitor who is denied visitation or has visitation restricted due to failing a search or refusing to consent to a search, at the time of that denial, to issue a written notice detailing what occurred, the date, time, who was present, and the underlying rationale given to the visitor for the denial or restriction.
- 11) Requires a facility to conduct all searches in the least intrusive manner reasonably available and to limit searches to what is strictly necessary to address the specific security concern.
- 12) Provides that clothed body searches conducted by the facility shall consist of a visual inspection and use of a hand-held wand, and the facility shall prohibit physical contact by staff.
- 13) Requires a facility to conduct unclothed body searches only after providing notice that the search is voluntary, obtaining the visitor's written consent, and with reasonable suspicion that contraband is concealed on the body and no less intrusive means are available. Requires the facility to require written supervisory approval for unclothed searches documenting the specific facts supporting reasonable suspicion.
- 14) Prohibits CDCR from conducting strip searches, visual body cavity searches, and physical body cavity searches of visitors who are under 18 years of age, unless CDCR has probable cause and obtains a warrant to search. Requires CDCR, if there is probable cause that a minor visitor is attempting to introduce contraband, unauthorized substances, or other unauthorized items into the institution, to notify the visitor and their parent or guardian in writing, and requires CDCR to receive written consent from the visitor and their parent or guardian prior to conducting the search. Authorizes CDCR, if probable cause

exists but the visitor and their parent or guardian do not consent to the visitor being searched, to offer a noncontact visit, if feasible, or to deny the visit.

- 15) States that the facility shall permit all visitors who cannot clear a metal detector due to a medically implanted or prosthetic device to present written verification from a licensed health care provider describing the device and its location.
- 16) Prohibits the facility from requiring renewal of that verification for permanent devices unless there is a material change in the device.
- 17) Prohibits the facility from requiring visitors who use wheelchairs or assistive devices to transfer to a facility wheelchair and requires the facility to permit visitors to remain in their own wheelchair while the device is inspected using the least intrusive means available.
- 18) Prohibits the facility from punishing failure to present documentation under this provision with permanent suspension of visitation but authorizes the facility to require alternative screening measures or a noncontact visit for that day.
- 19) Requires the facility to require that all searches be conducted professionally, respectfully, and without harassment, intimidation, or retaliatory intent.
- 20) Requires the facility to inform visitors of their right to file a complaint and prohibit retaliation for filing complaints.
- 21) Defines “credible security threat” to mean specific, articulable, and documented facts that establish a reasonable belief that a visitor or incarcerated person presents an immediate and identifiable risk of introducing contraband, facilitating escape, or causing physical harm within the facility. A credible security threat shall be based on objective information, including reliable intelligence, direct observation, or verified evidence, and shall not be based solely on generalized safety concerns, institutional convenience, anonymous or uncorroborated allegations, personal characteristics, protected traits, prior criminal history unrelated to institutional or visitor safety or security, refusal to consent to a voluntary search, or the mere existence of a past rule violation unless the circumstances of that violation create a safety or security risk to other visitors or incarcerated individuals or institutional security.
- 22) Defines “routine screening” to mean a standardized, minimally intrusive inspection process applied uniformly to all visitors as a condition of entry, for

the limited purpose of detecting weapons or contraband. Routine screening shall consist only of passage through a walk-through metal detector or hand-held metal detection wand, visual inspection of personal property, or screening by electronic detection equipment applied in the same manner to all visitors.

Background

This bill substantially overhauls the rules governing prison visitation. This bill requires each CDCR facility to remain open for visitation at least three days per week.

Further, a facility shall not deny, revoke, suspend, limit, or interfere with visiting privileges for a disciplinary matter or rule violation unrelated to visitation.

The bill prohibits a facility from immediately denying visitors entry based on a correctable issue, including, but not limited to, dress code violations, excess number of accompanying minors, or missing documentation. For correctable issues, CDCR staff must provide clear and specific guidance on how to remedy the issue; allow the visitor a reasonable opportunity to correct the issue and return to visiting up to one hour before the end of the visiting period; or offer a noncontact visit, if space is available, when appropriate. This bill requires the facility, if a visit is denied on the day of visiting for a non-correctable issue, to provide written documentation to the visitor on the same day stating the specific reason for denial; and the length of the denial and explaining how to appeal. A visit may not be denied if a person has traveled more than 100 miles to attend a visit or has not visited within 30 days, unless there has been a finding of a credible and documented security threat.

The bill further provides that a facility may subject any person coming onto the property to routine screening or a voluntary search to ensure facility security and prevent the introduction or removal of contraband. However, the bill prohibits a facility from searching visitors without their voluntary, informed, and written consent unless facility officials possess a court-issued warrant or the individual is lawfully detained pursuant to other law. Under the bill, a facility must conduct all searches in the least intrusive manner reasonably available and limit searches to what is strictly necessary to address the specific security concern.

The bill requires a facility to give visitors information regarding their right to refuse a voluntary search before providing their written consent to the search. The bill prohibits a facility from forcibly searching any visitor who does not consent to

a search. If a person refuses a voluntary search, as specified, the facility may only deny contact visiting for that day. The facility may offer a noncontact visit on the same day, if space is available, unless there is an immediate and credible security threat.

The bill states that clothed body searches conducted by the facility must consist of a visual inspection and use of a hand-held wand, and the facility shall prohibit physical contact by staff. The bill further prohibits the facility from conducting strip searches, body cavity searches, and any search involving physical intrusion without a court-issued warrant for the search. The bill also prohibits strip searches, visual body cavity searches, and physical body cavity searches of visitors who are under 18 years of age unless the department has probable cause and obtains a warrant to search. It adds that, if there is probable cause that the minor visitor is attempting to introduce contraband, unauthorized substances, or other unauthorized items into the institution, CDCR must notify the visitor and their parent or guardian in writing, and the department shall receive written consent from the visitor and their parent or guardian prior to conducting the search.

The bill states that the facility must permit all visitors who cannot clear a metal detector due to a medically implanted or prosthetic device to present written verification from a licensed health care provider describing the device and its location. The facility may not require renewal of that verification for permanent devices unless there is a material change in the device. The facility may not require visitors who use wheelchairs or assistive devices to transfer to a facility wheelchair and the facility must permit visitors to remain in their own wheelchair while the device is inspected using the least intrusive means available. The facility is prohibited from punishing failure to present documentation under this provision with permanent suspension of visitation, but the facility may require alternative screening measures or a noncontact visit for that day.

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

The Senate Appropriations Committee writes:

Costs, possibly in the millions of dollars annually, for staffing for expanded visiting hours, processing visitation re-applications, and managing the revised search process, as required by this bill. The California Department of Corrections and Rehabilitation (CDCR) also anticipates possible one-time costs for infrastructure improvements for some family visiting facilities. Additional significant, ongoing costs to CDCR to handle legal challenges arising from denial of visitation (General Fund).

SUPPORT: (Verified 8/12/26)

Essie Justice Group (source)
Access Reproductive Justice
ACLU California Action
All of Us or None
All of US or None Orange County
Alliance for Boys and Men of Color
Anti Police-terror Project
CA Legislative Women's Caucus
California Coalition for Women Prisoners
California Public Defenders Association
Californians for Safety and Justice
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Communities United for Restorative Youth Justice
Community Coalition
Courage California
Crop Organization; the
Defy Ventures
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
F.i.a.t.m. Group INC.
Fair Chance Project
Families Inspiring Reentry & Reunification 4 Everyone
Felony Murder Elimination Project
Friends Committee on Legislation of California
GLIDE
Grace Institute - End Child Poverty in CA
Justice2Jobs Coalition
La Defensa
Legal Services for Prisoners With Children
Milpa Collective
Parenting for Liberation
Peace and Justice Law Center
Pillars of the Community
Prison Policy Initiative
Restore Oakland, INC.
Restoring Hope California

Rubicon Programs
San Francisco Public Defender
San Quentin Skunkworks
Silicon Valley De-bug
Sister Warriors Freedom Coalition
Smart Justice California
Starting Over
The Change Parallel Project
The Collective for Liberatory Lawyering
The Place4Grace
The W. Haywood Burns Institute
Transgender, Gendervariant, Intersex Justice Project
UnCommon Law
Vera Institute of Justice
We Got Us Now

OPPOSITION: (Verified 8/12/26)

None received

ASSEMBLY FLOOR: 58-16, 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, 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, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Castillo, Davies, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Alanis, Chen, Flora, Muratsuchi, Celeste Rodriguez, Wallis

Prepared by: Marshal Lawler / PUB. S. /
8/17/26 10:03:09

**** END ****