

AMENDED IN ASSEMBLY AUGUST 19, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 6, 2016

**SENATE BILL**

**No. 1157**

---

**Introduced by Senator Mitchell**

**(Coauthors: ~~Senators Cannella, Hancock, Hancock~~ and Leno)**

**(Coauthor: Assembly Member Weber)**

February 18, 2016

---

An act to add Section 4032 to the Penal Code, and to add Sections 210.05 and 885.5 to the Welfare and Institutions Code, relating to incarcerated persons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1157, as amended, Mitchell. Incarcerated persons: visitation.

Existing law provides that a county jail is kept by the sheriff of the county in which the jail is situated and is to be used for specified purposes, including for the confinement of persons sentenced to imprisonment in a county jail upon a criminal conviction. ~~Among other things, existing law requires each county jail to contain a sufficient number of rooms to allow certain persons belonging to specified classes to be confined separately and distinctly from persons belonging to other specified classes. Existing law requires every county to provide and maintain a juvenile hall for purposes of providing a suitable house or place for the detention of wards and dependent children of the juvenile court and persons alleged to come within the jurisdiction of the juvenile court. Existing law authorizes a county to, by ordinance, establish juvenile ranches, camps, or forestry camps, within or without the county, to which certain persons made wards of the court may be committed.~~

*Existing regulations of the Board of State and Community Corrections specify the number of visits that inmates held in certain types of correctional facilities are required to be provided.*

~~This bill would require a local correctional facility, as defined, a juvenile hall for the confinement of minors, and a juvenile ranch, camp, or forestry camp that elects to utilize video or other types of electronic visitation to provide specified numbers and lengths of in-person visits for incarcerated persons in certain local correctional facilities and for incarcerated minors and minors at the juvenile facilities described above. The bill would also define, among other things, “in-person visit” and “in-person visitation” for these purposes.~~

~~On and after January 1, 2017, the bill would prohibit a city, county, city and county, or other local entity from entering into, renewing, extending, or amending a contract with a private prison corporation that does not provide persons to be incarcerated or detained at the private prison corporation’s facility, at a minimum, specified amounts of in-person visitation.~~

*This bill would require a local detention facility, as defined, that elects to utilize video or other types of electronic devices for inmate visitations to also provide an inmate with in-person visitation that meets or surpasses the minimum number of weekly visits required by those regulations for a person detained in the facility. If a local detention facility does not have existing space available for in-person visitation, the bill would require the facility to comply no later than January 1, 2022.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds and declares all of the
- 2     following:
- 3     (a) In 2011, the State of California passed historic legislation
- 4     to reduce recidivism in the state prison system by supervising
- 5     people with low-level convictions at the local level, closer to their
- 6     communities. To support realignment efforts, the state has provided
- 7     approximately \$2.5 billion in funding for local jail construction
- 8     projects, including:
- 9     (1) One billion two hundred million dollars (\$1,200,000,000)
- 10    in funding for local jail construction projects authorized by

1 Chapter 7 of the Statutes of 2007. In two phases of the program,  
2 21 counties received awards. When all construction is completed,  
3 over 9,000 jail beds will have been added.

4 (2) Five hundred million dollars (\$500,000,000) in funding for  
5 local jails authorized by Chapter 42 of the Statutes of 2012. The  
6 Board of State and Community Corrections (BSCC) awarded 14  
7 counties funding. The program specified that counties seeking to  
8 replace or upgrade outdated facilities and provide alternatives to  
9 incarceration, including mental health and substance use disorder  
10 treatment, would be considered.

11 (3) An additional \$500 million for local jails authorized by  
12 Chapter 37 of the Statutes of 2014. The BSCC awarded 15 counties  
13 funding. This funding was primarily available for improving  
14 existing capacity and treatment and programming space.

15 (4) An additional \$250 million for local jails and an additional  
16 \$20 million specifically for Napa County authorized by Chapter  
17 34 of the Statutes of 2016. The funding was limited to those  
18 counties that had not been fully funded through previous grants.  
19 In addition, a facility constructed or renovated with program  
20 funding is required to include space for in-person visitation and  
21 a county applying for financing is required to submit a description  
22 of efforts to address sexual abuse in its jails.

23 (b) While a number of the counties that were awarded funding  
24 under the programs described in paragraphs (1), (2), and (3) of  
25 subdivision (a) are offering in-person visitation, there are several  
26 that have banned, or are considering banning, in-person visitation  
27 and instead offering only video visitation.

28 (c) Experts have found “that prison visitation can significantly  
29 improve the transition incarcerated people make from the  
30 institution to the community.” Just one visit “reduced the risk of  
31 recidivism by 13 percent for felony reconvictions and 25 percent  
32 for technical violation revocations.” “[M]ore frequent and recent  
33 visits were associated with a decreased risk of recidivism,” and  
34 “the more sources of social support an incarcerated person has,  
35 the lower the risk of recidivism.”

36 (d) Experts have additionally found that video “[v]isiting cannot  
37 replicate seeing someone in-person, and it is critical for a young  
38 child to visit his or her incarcerated parent in person to establish  
39 a secure attachment.”

1     (e) For purposes of updating and promulgating regulations,  
2     the BSCC utilizes the 2015 Adult Titles 15 and 24 Regulation  
3     Revision Executive Steering Committee (ESC). The ESC, which is  
4     responsible for regulations relating to visitation, requested that  
5     one of its working groups discuss the current visitation regulations  
6     as they relate to video visitation. Despite expert findings, the BSCC  
7     working group on visitation, which was comprised of only law  
8     enforcement representatives, stated, in part: “The workgroup  
9     engaged in a lengthy discussion regarding video visitation versus  
10    in-person visits. Several members of the group reported that their  
11    county is planning or building new facilities with space for video  
12    visiting only (no space for in-person visits).”

13    (f) Chapter 15 of the Statutes of 2011, the public safety  
14    realignment legislation, included the following legislative findings:  
15    “Realigning low-level felony offenders who do not have prior  
16    convictions for serious, violent, or sex offenses to locally run,  
17    community-based corrections programs which are strengthened  
18    through community-based punishment, evidence-based practices,  
19    improved supervision strategies, and enhanced secured capacity,  
20    will improve public safety outcomes among adult felons and  
21    facilitate their reintegration back into society.”

22    (g) Due to the enactment of realignment legislation, more people  
23    are serving lengthy jail sentences for felony convictions, often  
24    years and, in some cases, decades.

25    (h) California’s criminal justice realignment will be  
26    strengthened by ensuring that incarcerated people at the local  
27    level have contact with, and build meaningful connections with,  
28    friends and family in their communities. With these connections,  
29    incarcerated people will be better prepared to successfully  
30    reintegrate into and contribute to society.

31    SEC. 2. Section 4032 is added to the Penal Code, to read:

32    4032. (a) A local detention facility that elects to utilize video  
33    or other types of electronic devices for inmate visitations shall  
34    also provide inmates with in-person visitation that meets or  
35    surpasses the minimum number of weekly visits required by  
36    regulations of the Board of State and Community Corrections for  
37    persons detained in the facility. For purposes of this section, “local  
38    detention facility” has the same meaning as defined in Section  
39    6031.4.

1     (b) Notwithstanding subdivision (a), a local detention facility  
2     that elects to utilize video or other types of electronic devices for  
3     inmate visitations and does not have existing space available for  
4     in-person visitation shall provide visitation in accordance with  
5     subdivision (a) no later than January 1, 2022.

6     ~~SECTION 1. The Legislature finds and declares that~~  
7     ~~opportunities for in-person visitation in local correctional facilities,~~  
8     ~~juvenile halls, juvenile homes, ranches, and camps are essential~~  
9     ~~for persons who are incarcerated and detained to maintain family~~  
10    ~~stability, reduce disciplinary infractions and violence while~~  
11    ~~incarcerated, reduce recidivism, increase the chances of obtaining~~  
12    ~~employment postrelease, and facilitate successful reentry. Other~~  
13    ~~types of visitation shall only be used to supplement in-person~~  
14    ~~visitation to further promote the above-mentioned goals. This act~~  
15    ~~does not interfere with the ability of the Board of State and~~  
16    ~~Community Corrections to issue regulations with regards to~~  
17    ~~visitation. It is the intent of the Legislature to strengthen family~~  
18    ~~connections by facilitating in-person visitation.~~

19    ~~SEC. 2. Section 4032 is added to the Penal Code, to read:~~

20    ~~4032. (a) A local detention facility that elects to utilize video~~  
21    ~~or other types of electronic visitation shall comply with both of~~  
22    ~~the following:~~

23    ~~(1) Sentenced incarcerated persons in a Type I facility and all~~  
24    ~~incarcerated persons in a Type II facility shall be allowed no fewer~~  
25    ~~than two in-person visits totaling at least one hour per incarcerated~~  
26    ~~person each week.~~

27    ~~(2) Incarcerated persons in a Type III facility or a Type IV~~  
28    ~~facility shall be allowed no fewer than one in-person visit totaling~~  
29    ~~at least one hour per incarcerated person each week.~~

30    ~~(b) For purposes of this section, all of the following definitions~~  
31    ~~apply:~~

32    ~~(1) “In-person visit” or “in-person visitation” means a visit or~~  
33    ~~visitation during which an incarcerated person has contact with a~~  
34    ~~visitor, is able to see a visitor through glass, or is otherwise in an~~  
35    ~~open room without contact with a visitor.~~

36    ~~(2) “Local detention facility” has the same meaning as defined~~  
37    ~~in Section 6031.4.~~

38    ~~(3) “Type I facility” means a local detention facility used for~~  
39    ~~the detention of persons for not more than 96 hours, excluding~~  
40    ~~holidays, after booking. “Type I facility” also includes a local~~

1 detention facility that detains a person on court order for his or her  
2 own safekeeping or a person sentenced to a city jail as an  
3 incarcerated person worker, or that houses incarcerated person  
4 workers sentenced to a county jail, provided the placement in the  
5 facility is made on a voluntary basis on the part of the incarcerated  
6 person. As used in this paragraph, “incarcerated person worker”  
7 means a person assigned to perform designated tasks outside of  
8 his or her cell or dormitory, pursuant to the written policy of the  
9 facility, for a minimum of four hours each day on a five-day  
10 scheduled work week.

11 (4) “Type II facility” means a local detention facility used for  
12 the detention of persons pending arraignment, during trial, and  
13 upon a sentence of commitment.

14 (5) “Type III facility” means a local detention facility used only  
15 for the detention of convicted and sentenced persons.

16 (6) “Type IV facility” means a local detention facility or portion  
17 of the facility designated for the housing of incarcerated persons  
18 eligible pursuant to Section 1208 for work furlough, education  
19 furlough, or other programs involving incarcerated person access  
20 into the community.

21 (e) On and after January 1, 2017, a city, county, city and county,  
22 or other local entity shall not enter into, renew, extend, or amend  
23 a contract with a private prison corporation that does not provide  
24 persons to be incarcerated or detained at the private prison  
25 corporation’s facility, at a minimum, no fewer than two in-person  
26 visits totaling at least one hour per incarcerated person each week.

27 SEC. 3. Section 210.05 is added to the Welfare and Institutions  
28 Code, to read:

29 210.05. (a) A juvenile hall for the confinement of minors that  
30 elects to utilize video or other types of electronic visitation shall  
31 comply with all of the following with respect to in-person  
32 visitation:

33 (1) Incarcerated minors shall be allowed to receive in-person  
34 visits by parents, guardians, or persons standing in loco parentis,  
35 at reasonable times, subject only to the limitations necessary to  
36 maintain order and security.

37 (2) Opportunity for in-person visitation shall be a minimum of  
38 two hours per week.

39 (3) In-person visits may be supervised, but conversations shall  
40 not be monitored unless there is a security or safety need.

1     ~~(b) For purposes of this section, “in-person visit” or “in-person~~  
2 ~~visitation” means a visit or visitation during which an incarcerated~~  
3 ~~minor has contact with a visitor, is able to see a visitor through~~  
4 ~~glass, or is otherwise in an open room without contact with a~~  
5 ~~visitor.~~

6     ~~SEC. 4. Section 885.5 is added to the Welfare and Institutions~~  
7 ~~Code, to read:~~

8     ~~885.5. (a) A juvenile ranch, camp, or forestry camp established~~  
9 ~~under Section 881 that elects to utilize video or other types of~~  
10 ~~electronic visitation shall comply with all of the following with~~  
11 ~~respect to in-person visitation:~~

12     ~~(1) Minors shall be allowed to receive in-person visits by~~  
13 ~~parents, guardians, or persons standing in loco parentis, at~~  
14 ~~reasonable times, subject only to the limitations necessary to~~  
15 ~~maintain order and security.~~

16     ~~(2) Opportunity for in-person visitation shall be a minimum of~~  
17 ~~two hours per week.~~

18     ~~(3) In-person visits may be supervised, but conversations shall~~  
19 ~~not be monitored unless there is a security or safety need.~~

20     ~~(b) For purposes of this section, “in-person visit” or “in-person~~  
21 ~~visitation” means a visit or visitation during which a minor has~~  
22 ~~contact with a visitor, is able to see a visitor through glass, or is~~  
23 ~~otherwise in an open room without contact with a visitor.~~