



Bill Summary

[AB 958](#) establishes personal visits for incarcerated people as a limited civil right, rather than a privilege, and ensures that revoking visitation rights are limited to special circumstances.

Existing Law

Establishes specific civil rights of incarcerated persons including, to own, sell, and convey property; correspond confidentially with any member of the State Bar and holder of public office; purchase, receive, and read newspapers, periodicals, and books; initiate civil actions; marry; create power of appointment; create a will; and to receive certain benefits. Prior to AB 1506 (Calderon, 1996), the right to receive personal visits was one of the enumerated civil rights of incarcerated persons (Penal Code Section 2601).

Establishes that a person in custody of the California Department of Corrections and Rehabilitation (CDCR) may be deprived of their rights only if it is reasonably related to legitimate penological interests (Penal Code Section 2600).

Background

Research demonstrates strong familial connections reduce recidivism and help incarcerated persons thrive once they return to their community. The Prison Policy Initiative reviewed fifty years of empirical research and consistently found that visiting, mail, phone,

and other forms of contact between incarcerated people and their families have positive impacts such as reduced recidivism, better health, and improvement in children's school performance.

In 2021, Assembly Member Miguel Santiago introduced AB 990 which would establish personal visits for incarcerated people as a right, rather than a privilege. Unfortunately, Governor Newsom vetoed AB 990, citing concerns regarding AB 990's legal standard of review. AB 958 provides greater clarity that the right is a limited civil right and that CDCR can, in specified cases, restrict such right.

Despite AB 990's failed passage, support for consistent and continued visitation remains strong. The 2021-22 State Budget included \$20.3 million ongoing funding to add a third day of in-person visitation on Fridays at all institutions. It also provided visitors with free transportation on select days to all prisons via chartered buses. At the time, visiting was limited to Saturdays and Sundays.

The 2021-22 State Budget also included \$12 million one-time funding to support free communications between incarcerated people and their loved ones. This funding will provide 60 minutes of free calling every two weeks and up to 60 free electronic communications each month between incarcerated persons and their loved ones. Such funding was done in

recognition of the importance of healthy and strong familial bonds.

felonies in state prisons and in jails with in-person visit access.

Need for AB 958

Maintaining consistent and meaningful connections between incarcerated persons and their loved ones is often difficult. Incarcerated people can be denied personal visits with family or friends as a disciplinary action unrelated to visitation or the prospective visitor. Some visits are denied due to honest mistakes on the visitor’s application or for criminal histories unrelated to abuses of the visitation privilege.

By establishing incarcerated persons’ right to personal visits, AB 958 will support families with incarcerated persons, improve familial connections, and help incarcerated persons’ thrive once they return home.

The pandemic only further exacerbated the difficulties of maintaining familial bonds. Beginning March of 2020, all visiting ended. Video calls were not offered until December of 2020 and on a very limited basis. In April 2021, very limited visiting was offered.

Co-Sponsors: The Coalition for Family Unity

As CDCR reopens their institutions, barriers to visitations remain. AB 958 will addresses these barriers by:

- Reinstating incarcerated persons’ right to receive visits.
- Prohibiting denial of visits as a discipline for conduct unrelated to visiting.
- Prohibiting denial of visits based on mistakes on a visitor’s application and relying on visitor’s Department of Justice’s criminal background report for visiting eligibility.
- Prohibiting denial of visits based on visitor’s law enforcement history unless related to serious abuses of visiting rules.
- Requiring CDCR to provide a specific reason in writing for any denial of visiting.
- Codifying a minimum of three in-person visiting days a week for people serving

- A New Way of Life
- All of Us or None
- Alliance for Boys and Men of Color
- Anti-Recidivism Coalition
- California Families Against Solitary Confinement
- California’s Impacted Families Project
- Community Works
- Communities United for Restorative Youth Justice
- Drop LWOP
- East Bay Family Defenders
- Felony Murder Elimination Project
- Families United to End LWOP
- Homies Unidos
- Legal Services for Prisoners with Children
- Mary Mac Transitional Homes
- Pillars of the Community
- Place4Grace
- Prison From-TheInside-Out Inc.
- RTime Co
- Sister Warriors
- Starting Over, Inc.
- Young Women’s Freedom Center

Support

None on file.

Opposition

None on file.

For More Information

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