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HOUSE BILL NO. 173

Offered January 14, 2026

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A BILL to amend and reenact § 53.1-1.2 of the Code of Virginia, relating to state correctional facilities; visitation policies; annual report.

Patrons—Anthony, Cousins, Gardner, Clark, Cole, J.G., Garrett, Glass, Henson, Keys-Gamarra, LeVere Bolling, Martinez, Rasoul and Schmidt; Senators: Williams Graves, Bagby and Marsden

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-1.2 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-1.2. Visitation policies.

A. As used in this section:

"Infrequent visitor" means an approved visitor who has not completed an in-person visit within the 90 days preceding his current visit to a correctional facility.

"Long-distance visitor" means an approved visitor of a correctional facility whose primary residence is located at least 150 miles from the correctional facility, as measured by driving distance.

"Minor visitor" means an individual younger than 18 years of age. Visitors younger than 16 years of age shall be accompanied by a parent or guardian. Visitors that are 16 or 17 years of age may visit without a parent or guardian present with written consent from such parent or guardian.

"Revocation" means a permanent loss of visitation privileges following multiple serious violations verified through reliable evidence, including documentation of such violations.

"Security requirements" means objectively documented procedures necessary to prevent escape, violence, or contraband introduction and does not include procedures used primarily for administrative convenience.

B. The Department shall make reasonable efforts, consistent with facility safety and security, to provide each eligible incarcerated individual the opportunity for in-person visitation with approved visitors that is no less than the aggregate visitation opportunities provided in fiscal year 2019, or verified pre-pandemic visitation data if fiscal year 2019 visitation data is unavailable, adjusted for changes in the average daily incarcerated population.

C. The Department shall provide extended or additional visitation access for (i) long-distance visitors; (ii) minor visitors; and (iii) infrequent visitors. Such visits shall be scheduled for an extended duration, subject to available space and security requirements.

D. Each in-person visit shall last a minimum of two hours unless shortened at the request of the visitor or incarcerated person, or in response to an active security event. Visitors shall not be required to end their visit if seating capacity permits continued visitation. The Department shall maintain visitation seating and scheduling capacity equivalent to that provided in fiscal year 2019, or verified pre-pandemic visitation data if fiscal year 2019 visitation data is unavailable, as documented by the Department.

E. The Department shall, subject to available appropriations, implement pilot programs in no fewer than three facilities representing different security levels to evaluate operational, staffing, and safety impacts before full statewide implementation. The Department shall collect and publish data from the pilot program, pursuant to the requirements of subsection G.

F. Visitation privileges may be suspended only for conduct that occurs during visitation that presents a direct and substantial threat to the physical safety of participants or the security of the facility. Visitation shall not be denied or suspended based solely upon an individual's confinement status, including placement in restrictive housing, unless such visitation presents a documented and ongoing security risk. Visitation shall not be revoked or suspended based solely upon disciplinary or administrative reasons unrelated to visitation, including confinement status, nonviolent infractions, or substance-screening results.

Each suspension shall be supported by written documentation specifying the conduct, date, time, and nature of the security threat. Suspension shall not exceed 60 consecutive days for a first violation or 120 consecutive days for a repeated violation within 12 months.

The Department shall provide written notice of suspension to the incarcerated individual and the affected visitor within five business days. Such notice shall describe the conduct and specify the duration of suspension. The incarcerated individual or visitor may appeal any suspension within 15 calendar days. The Department may integrate this visitation appeal process within its established inmate grievance procedures. Appeals shall be reviewed and decided by an official who was not involved in the initial decision to suspend visitation privileges within 20 calendar days of submission of the appeal. Visitation privileges shall be automatically restored at the conclusion of the suspension period unless an appeal upholds the original

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finding for such suspension. Permanent revocation of visitation privileges shall occur only upon multiple, but no less than three, documented serious violations verified through reliable evidence.

G. Upon statewide implementation of the program, the Department shall collect and annually publish data, disaggregated by facility and by month, that includes the (i) total number of in-person visits; (ii) number of unique visitors and the age of each visitor; (iii) reasons for visit denials, suspensions, or terminations; (iv) average visit duration; (v) capacity and utilization rates; and (vi) results of visitor and correctional facility resident feedback surveys conducted not more than once each year. Data shall, to the extent practicable, be derived from existing management-information systems and records maintained by the Department. The Department shall submit an annual report containing the enumerated data to the Chairs of the House Committee on Public Safety, the Senate Committee on Rehabilitation and Social Services, and the House and Senate Committees for Courts of Justice. The report shall be made publicly available on the Department's website.

The Department shall include in its annual report a distinct section summarizing the results of any pilot programs conducted pursuant to subsection E, including visitation frequency, operational challenges, staffing needs, and safety outcomes. Such findings shall also be published on the Department's publicly accessible website.

H. The Department shall develop and submit to the Secretary of Public Safety and Homeland Security and the Chairs of the House Committee on Public Safety, the Senate Committee on Rehabilitation and Social Services, and the House and Senate Committees for Courts of Justice a phased implementation plan to restore visitation to pre-2019 levels by January 1, 2028. Implementation of this section is subject to the availability of appropriations.

I. The following procedures regarding individuals who are physically present at a state correctional facility for the purpose of visiting a prisoner shall apply:

1. Upon entry into a state correctional facility, visitors shall be informed of the items that they are not permitted to bring into the facility and the items that they are permitted to bring into the facility.

2. If an item that is otherwise legal for the visitor to possess is not permitted in the facility, the item may be placed in the possession of facility employees, if the facility is able to store such item, for the duration of the visit and returned to the visitor upon leaving the facility.

3. If equipment is available, visitors shall be scanned or wanded by an electronic scanning or detection device, or both.

4. If detector canines are available, visitors shall be subjected to a detector canine search.

5. If the detector canine search, scanning, or wanding does not indicate any contraband and the visitor is otherwise eligible to visit, the visitor shall be allowed a visit with the prisoner that allows personal contact.

6. If the detector canine search, scanning, or wanding indicates the possibility of contraband, the visitor shall have the option of consenting to a search of his person. If the visitor does not consent to a search of his person after only a detector canine search indicates the possibility of contraband and the visitor is otherwise eligible to visit, he shall be allowed a visit with the prisoner that does not allow personal contact. If the visitor does not consent to a search of his person after scanning or wanding indicates the possibility of contraband, the Department may deny the visitor entry into the facility in accordance with the operating procedures regarding visiting privileges as authorized by § 53.1-30. *The discovery of contraband shall trigger a facility investigative review regardless of the source of such contraband. If contraband entry is found to originate from facility staff or internal operations, visitation privileges of uninvolved individuals shall not be restricted absent direct evidence of the individual's involvement.*

7. A visitor shall be allowed to leave the correctional facility and discontinue the search process prior to the discovery of contraband. A visitor shall not be barred from future visits because he stops a search prior to the discovery of contraband or refuses to consent to a search of his person, including refusing to consent to a strip search or a search of any body cavity. Correctional facility personnel shall not use the search procedure or search results as a threat to bar future visits. The superintendent, warden, or other official in charge of the facility shall ensure that correctional facility personnel do not use the search procedure or search results as a threat to bar future visits.

J. Nothing in this section shall be construed to limit or duplicate the oversight authority of the State Board or any other entity empowered by law to review correctional operations.