

# 2026 SESSION

INTRODUCED

26103237D

1 **HOUSE BILL NO. 1246**

2 Offered January 14, 2026

3 Prefiled January 14, 2026

4 *A BILL to amend the Code of Virginia by adding a section numbered 53.1-35.3, relating to state correctional*  
5 *facilities; visitation privileges; Visitation Enhancement Program established.*

6 Patron—Glass

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That the Code of Virginia is amended by adding a section numbered 53.1-35.3 as follows:**

10 **§ 53.1-35.3. Visitation Enhancement Program; enhanced visitation privileges.**

11 *A. For the purpose of this section, "enhanced appropriate physical affection" includes kissing, embracing,*  
12 *and touching as long as such physical affection would be acceptable in a public place and does not offend*  
13 *other inmates and visitors or aid in the introduction of contraband or escape attempts. "Enhanced*  
14 *appropriate physical affection" includes (i) an embrace and kiss at the beginning and at the end of any*  
15 *contact visit; (ii) brief kisses and embraces; (iii) holding hands, as long as the hands are in plain view of*  
16 *staff; (iv) resting hands upon another's shoulders or around another's waist when an inmate and visitor are*  
17 *sitting next to one another; (v) resting one's head on another's shoulder when an inmate and visitor are*  
18 *sitting next to one another. "Enhanced appropriate physical affection" does not include unacceptable*  
19 *physical conduct such as prolonged kissing, intercourse, sodomy, touching sexual or other intimate parts of*  
20 *another person, or masturbation.*

21 *B. All state correctional facilities shall participate in the Visitation Enhancement Program (the Program)*  
22 *and shall provide visitation privileges to inmates in accordance with the standards set forth in this section.*  
23 *Allowing visitation privileges for inmates shall be a priority and unless a visit would violate any state or*  
24 *federal law, such visitation privileges may only be revoked by a state correctional facility based on*  
25 *documented risks to facility safety and emergencies.*

26 *C. All inmates in state correctional facilities shall be classified within one of three phases of the Program,*  
27 *which shall be based on the class level at which the inmate earns good time such as good conduct time*  
28 *pursuant to Article 2 (§ 53.1-192 et seq.) of Chapter 6, good conduct allowances pursuant to Article 3*  
29 *(§ 53.1-198 et seq.) of Chapter 6, or earned sentence credits pursuant to Article 4 (§ 53.1-202.2 et seq.) of*  
30 *Chapter 6 as follows:*

31 *1. An inmate earning any such good time at Level II, Level III, or Level IV shall be classified as Phase I*  
32 *and shall be permitted a minimum of one visitation period per week during which visitors shall be permitted*  
33 *to visit for at least two hours and up to four hours.*

34 *2. An inmate earning any such good time at Level I for a period of up to one year shall be classified as*  
35 *Phase II and shall be (i) permitted a minimum of three visitation periods per week, including on at least one*  
36 *weekday, during which visitors shall be permitted to visit for at least two hours and up to four hours; (ii)*  
37 *permitted to wear personal clothing during visitation; and (iii) permitted to engage in enhanced appropriate*  
38 *physical affection with a visitor.*

39 *3. An inmate earning any such good time at Level I for a period of one or more consecutive years shall be*  
40 *classified as Phase III and shall be (i) permitted a minimum of four visitation periods per week, including on*  
41 *at least one weekday, during which visitors shall be permitted to visit for at least two hours and up to four*  
42 *hours; (ii) permitted to wear personal clothing during visitation; (iii) permitted to engage in enhanced*  
43 *appropriate physical affection with a visitor; (iv) permitted to participate in holiday family meals with*  
44 *visitors, which shall allow an inmate an additional period of visitation on designated holidays for at least two*  
45 *hours and up to four hours during which food may be provided by the inmate's visitors, subject to security*  
46 *requirements; and (v) to the extent possible, be allowed access to visitation in designated outdoor areas of*  
47 *the state correctional facility.*

48 *D. Visitors shall be permitted to visit an inmate for at least two hours prior to a visit being terminated due*  
49 *to capacity issues. If the visitation area is at maximum capacity, state correctional facility staff shall ask*  
50 *visitors, on a voluntary basis, to end their visit. If a sufficient number of visitors fail to volunteer, staff shall*  
51 *terminate visits, beginning with the first visitors processed, until the required seating or space is available for*  
52 *incoming visitors.*

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