

HOUSE BILL NO. 1246
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by
on)
(Patron Prior to Substitute—Delegate Glass)

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

SENATE BILL NO. _____ HOUSE BILL NO. _____

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

1. An inmate earning any such good time at Level II, Level III, or Level IV shall be classified as Phase I

33 *and shall be permitted a minimum of one visitation period per week during which visitors shall be permitted*
34 *to visit for at least two hours and up to four hours.*

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

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

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