

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 53.1-1.2 of the Code of Virginia, relating to state correctional facilities;*  
 3 *visitation policies; report.*

4 [H 296]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 53.1-1.2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 53.1-1.2. Visitation policies; publicly posted dress code for visitors; report.**9 A. The following procedures regarding individuals who are physically present at a state correctional  
 10 facility for the purpose of visiting a prisoner shall apply:11 1. Upon entry into a state correctional facility, visitors shall be informed of the items that they are not  
 12 permitted to bring into the facility and the items that they are permitted to bring into the facility.13 2. If an item that is otherwise legal for the visitor to possess is not permitted in the facility, the item may  
 14 be placed in the possession of facility employees, if the facility is able to store such item, for the duration of  
 15 the visit and returned to the visitor upon leaving the facility.16 3. If equipment is available, visitors shall be scanned or wanded by an electronic scanning or detection  
 17 device, or both.

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

19 5. If the detector canine search, scanning, or wandling does not indicate any contraband and the visitor is  
 20 otherwise eligible to visit, the visitor shall be allowed a visit with the prisoner that allows personal contact.21 6. If the detector canine search, scanning, or wandling indicates the possibility of contraband, the visitor  
 22 shall have the option of consenting to a search of his person. If the visitor does not consent to a search of his  
 23 person after only a detector canine search indicates the possibility of contraband and the visitor is otherwise  
 24 eligible to visit, he shall be allowed a visit with the prisoner that does not allow personal contact. If the visitor  
 25 does not consent to a search of his person after scanning or wandling indicates the possibility of contraband,  
 26 the Department may deny the visitor entry into the facility in accordance with the operating procedures  
 27 regarding visiting privileges as authorized by § 53.1-30.28 7. A visitor shall be allowed to leave the correctional facility and discontinue the search process prior to  
 29 the discovery of contraband. A visitor shall not be barred from future visits because he stops a search prior to  
 30 the discovery of contraband or refuses to consent to a search of his person, including refusing to consent to a  
 31 strip search or a search of any body cavity. Correctional facility personnel shall not use the search procedure  
 32 or search results as a threat to bar future visits. The superintendent, warden, or other official in charge of the  
 33 facility shall ensure that correctional facility personnel do not use the search procedure or search results as a  
 34 threat to bar future visits.35 *B. The Department shall establish and publicly post on its website and in the lobby of each state*  
 36 *correctional facility an objective dress code for individuals visiting a state correctional facility. Such posted*  
 37 *dress code (i) shall include any and all limitations on the appearance or attire of a visitor, including*  
 38 *limitations relating to attire, undergarments, shoes, nail polish, makeup, jewelry, or hair and (ii) may contain*  
 39 *only (a) limitations on colors or materials of attire, nail polish, or makeup; (b) specific, measurable*  
 40 *limitations on clothing; (c) requirements that certain body parts be covered; and (d) prohibitions on specific*  
 41 *types of jewelry, makeup, or shoes. Such posted dress code shall not include a prohibition on (1) religious*  
 42 *attire that otherwise meets the requirements of the posted dress code or (2) underwire bras. No state*  
 43 *correctional facility may enforce a dress code that is more restrictive than the dress code posted by the*  
 44 *Department.*45 *C. No individual shall be denied regularly scheduled in-person visitation unless such individual is in clear*  
 46 *violation of visitation rules or policies. Prior to denying entry to a visitor, the reasoning shall be (i) reviewed*  
 47 *in person by the facility administrative duty officer and (ii) approved by a regional administrator or superior.*  
 48 *Any such denial of entry and all supporting details, including the basis for such denial, shall be (a) provided*  
 49 *in writing to the visitor upon denial and (b) reported to the Department to be included in the annual report*  
 50 *required pursuant to subsection D.*51 *D. The Department shall report annually on or before November 1 to the General Assembly and the*  
 52 *Governor information on visitors denied entry to state correctional facilities, including the following*  
 53 *information disaggregated by facility and by month: (i) the number of visitors denied entry and (ii) the*  
 54 *reasoning for such denials, including the specific rules or policies such visitors were alleged to have violated.*55 **2. That the Department of Corrections (the Department) shall convene a work group that consists of**  
 56 **relevant stakeholders, including (i) regular visitors of Department residents; (ii) advocates, including**

57 advocates from Sistas in Prison Reform, UpToDate Inside Virginia, Brilliance Behind Bars, Bending  
58 the Bars Foundation, The Humanization Project, the American Civil Liberties Union of Virginia, and  
59 an LGBTQ+ equality organization; (iii) national research firms, including Prison Policy Initiative; (iv)  
60 mental health professionals; (v) trauma-informed counselors; (vi) social scientists; (vii) attorneys; and  
61 (viii) corrections staff and administrators. The work group shall consider the following goals and  
62 develop practical policy and legislative recommendations for the following: (a) training for all  
63 employees who have direct contact with visitors that includes standardized anti-discrimination and  
64 public-engagement practices, with specific instruction on respecting religious and cultural standards  
65 during searches and interactions; (b) ensuring a focus on professionalism, respect, and trauma-  
66 informed care when interacting with all visitors; and (c) ensuring evidence-based awareness of and  
67 commitment to the importance of in-person contact visitation in maintaining family connections that  
68 promote rehabilitation, reduce recidivism, improve facility behavior, and support successful  
69 reintegration. The work group shall report its findings and legislative recommendations to the  
70 Governor and the General Assembly no later than November 1, 2026.