Department of Corrections and Rehabilitation

NOTICE OF CHANGE TO REGULATIONS

Sections:	NCR Number:	Publication Date:	Effective Date:
3170.1, 3171, 3172, 3172.2, 3173, 3173.2, 3176, 3177	26-03	February 20, 2026	To Be Determined

INSTITUTION POSTING AND CERTIFICATION REQUIRED

This Notice announces the proposed amendment and adoption of sections 3170.1, 3171, 3172, 3172.2, 3173, 3173.2, 3176, and 3177 of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, Division 3, Chapter 1, regarding Visiting.

PUBLIC COMMENT PERIOD

The public comment period will close on **April 8, 2026.** Any person may submit written comments about the proposed regulations by mail to the California Department of Corrections and Rehabilitation (CDCR), Regulation and Policy Management Branch (RPMB), P.O. Box 942883, Sacramento, CA 94283-0001, or by e-mail to RPMB@cdcr.ca.gov. All written comments must be received or postmarked no later than **April 8, 2026**.

PUBLIC HEARING INFORMATION

A public hearing regarding these proposed regulations will be held **April 8, 2026,** from 10:00 a.m. to 11:00 a.m. in State of California, Building C, Room 101, located at 8260 Longleaf Drive, Elk Grove CA 95758. The purpose of the hearing is to receive comments about the proposed regulations. It is not a forum to debate the proposed regulations. No decision regarding the permanent adoption of these regulations will be rendered at this hearing. Written comments submitted during the prescribed comment period are given the same significance and weight as oral comments presented at the hearing. This hearing site is accessible to the mobility impaired.

POSTING

This Notice shall be posted immediately upon receipt at locations accessible to incarcerated or supervised persons, and employees in each department facility and field office not later than five calendar days after receipt. Also, institutions and facilities shall make this Notice available for review by incarcerated persons in restricted housing who do not have access to the posted copies and shall distribute it to incarcerated person law libraries and advisory councils. CDCR Form 621-A (Rev. 05/19), Certification of Posting, shall be returned to RPMB by mail or email. See Department Operations Manual Section 12010.6.7 for posting and certification of posting procedures.

CONTACT PERSON

Inquiries regarding this Notice should be directed to Sarah Pollock, by mail to California Department of Corrections and Rehabilitation, RPMB, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone at (279) 223-2308, or e-mail to RPMB@cdcr.ca.gov. Inquiries regarding the subject matter of these regulations should be directed to Carlos Santos, Division of Adult Institutions, at (279) 223-3778.

Original signed by:

JASON D. JOHNSON
Undersecretary, Operations
California Department of Corrections and Rehabilitation

Attachment

NOTICE OF PROPOSED REGULATIONS
California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the department), proposes to amend sections 3170.1, 3171, 3172, 3172.2, 3173, 3173.2, 3176, and 3177 of Title 15, Division 3, Chapter 1, regarding Visiting.

PUBLIC COMMENT PERIOD

The public comment period begins **February 20, 2026,** and closes on **April 8, 2026.** Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the contact person listed below.

CONTACT PERSONS

Primary Contact	Back-Up	Program Contact
S. Pollock Telephone: (279) 223-2308 Regulation and Policy Management Branch P.O. Box 942883 Sacramento, CA 94283-0001	Y. Sun Telephone: (916) 203-9779 Regulation and Policy Management Branch P.O. Box 942883 Sacramento, CA 94283-0001	Carlos Santos Telephone: (279) 223-3778 Division of Adult Institutions P.O. Box 942883 Sacramento, CA 94283-0001

PUBLIC HEARING

Date and Time:	**April 8, 2026 – 10:00am to 11:00am**
Place:	State of California, Building C, First Floor, Room 101 8260 Longleaf Drive Elk Grove, CA 95758

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

Additional Authority and Reference Citations cited in the amended CCR sections include:
Sections 2080, 2086, 2600, 2601(c)(2), 2930, 4570, 4570.5, 4573, 4573.5, 4576, 6402, 6404, and 6405, Penal Code. Section 297.5, Family Code.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Currently, visitors of incarcerated persons must provide specified documentation such as: an official government issued birth certificate for a visiting minor, a notarized written parental consent for a visiting minor, an official government issued marriage license or domestic partnership form, an official government issued birth certificate for a parent or sibling attending an approved family visit, and a medical letter for a visitor, upon each visit to the incarcerated person. These proposed regulations allow for these documents to be scanned into the department's Strategic Oversight Management System (SOMS) so that visitors do not have to provide these documents upon each visit. In addition, visitors are currently not allowed to take food or beverage items that they purchased in the visiting area out of the visiting area, which creates waste and an undue hardship for the visitor. The proposed regulations will now allow visitors to take these items out of the visiting area; this will remove potential barriers to promote better family connection and reunification. Additionally, the proposed regulations will incorporate the CDCR Form 106 (Rev. 05/25), Visiting Questionnaire Application into the California Code of Regulations (CCR). This form will allow the department to conduct a California Law Enforcement Telecommunications System (CLETS) check on potential visitors, which is a more efficient process to approve visitors, and eliminates visitors being disapproved for not recalling all previous arrests or conviction history. Visitor applicants will also be able to email specific documents that they may have missed providing or incorrectly submitted with their visitor application. The proposed regulations will clarify the visitor search process by specifying that the search is voluntary, involves a hand-held wand and visual inspection, and that no touching of the visitor by staff will be involved. The proposed regulations will resolve confusing and conflicting language currently outlined in section 3177(b)(1) regarding Family Visiting (Overnight) and reconstruct the section to provide a better understanding of the violations that may or may not be allowed in order to participate in family visiting.

This action will:

- Allow visitors to take food or beverage items that they purchased in the visiting area, out of the visiting area.
- Incorporate by reference into the CCR, Title 15, the CDCR Form 106 (Rev. 05/25), Visiting Questionnaire Application.
- Allow visitors to email the department specific documents or information that they may have missed initially including, or that was incorrectly submitted with their visiting application.
- Increase the visiting hours and days for visiting an incarcerated person.
- Allow specific documents to be scanned into the visitor's visiting profile within SOMS.
- Clarify that searches for visitors are voluntary, and that the visitor will not be touched by staff during the search process.
- Replace outdated language which uses pronouns such as "he/she," with more gender-neutral terms to be more inclusive of all persons.
- Update terminology such as: "drugs" with "controlled substances," and "cell phones" with "wireless communication device," for consistency within the CCR, Title 15, and more appropriate language.
- Revise and clarify language regarding incarcerated persons excluded from family visits in order to ensure the protection of individuals wishing to participate in family visits.

DOCUMENTS INCORPORATED BY REFERENCE

CDCR Form 106 (Rev. 05/25), Visiting Questionnaire Application

This note explains the department's justification for incorporating forms by reference. The department uses over 1,500 forms, many of which are regulatory. It would be unduly cumbersome, expensive and impractical to print all of these forms in the CCR text, therefore the department has always incorporated forms by reference, except in specific circumstances which do not apply in the case of these regulations.

The adopted, amended, and/or repealed forms included in this rulemaking action are available to the public for review and are included in the notice of rulemaking sent to all parties who have requested notification.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulations will promote positive family connection and reunification by eliminating unnecessary steps from the visiting and visiting application process; by streamlining administrative processes it will improve administrative efficiency, reducing unnecessary redundant workload for staff, and making the visitation process more accommodating for visitors. Positive family connection and reunification will aid in the successful rehabilitation of incarcerated persons. The proposed regulations will also provide clarity and respect for visitors by clarifying that the visitor search process is voluntary and will not involve any touching of the visitor. Additionally, the proposed regulations will help maintain the safety and security of family (overnight) visits within the institutions.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern visiting.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 - 17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Cost to any local agency or school district that is required to be reimbursed: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulations will have no effect on the creation of new, or the elimination of existing jobs or businesses within California or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will not have an impact on worker safety, and the State's environment. The health and welfare of California residents may benefit by promoting positive family and community connections for incarcerated persons and visitors of incarcerated persons.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

TEXT OF PROPOSED REGULATIONS

In the following text, all new language is indicated by underline and deleted text is indicated by ~~strikethrough~~.

California Code of Regulations, Title 15, Division 3.

Chapter 1. Rules and Regulations of Adult Operations and Programs

Subchapter 2. Incarcerated Person Resources

Article 7. Visiting

3170.1. General Visiting Guidelines.

[Subsections 3170.1(a) through (f) are unchanged.]

[Subsection 3170.1(g) is amended to read:]

(g) During contact visits, the incarcerated person and visitor may pass, exchange, or examine any items of property or consume any items of food or beverage that either party is permitted to bring into or purchase in the visiting area, except for items that are contraband under section 3006. Neither the incarcerated person nor the visitor shall take any property items out of the visiting area that were passed or exchanged from the other party, except for legal documents as provided in section 3178 and photographs that were taken during the visit.

(1) ~~Neither the incarcerated person nor~~ T~~t~~he visitor shall be permitted to take any food or beverage items they purchased out of the visiting area. The incarcerated person shall not be permitted to take any food or beverage items out of the visiting area.

[Subsection 3170.1(h) is unchanged.]

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601(c)(2), 4570, 4576 and 5054, Penal Code.

3171. Visiting Procedures.

[Subsections 3171(a) and (b) are unchanged.]

[Subsection 3171(c) is amended to read:]

(c) Incarcerated persons may refuse to see a visitor. Such refusal shall not result in removal of the visitor from the incarcerated person's visitor list. To remove a visitor from their approved visitor list, incarcerated persons shall submit a written request to the visiting staff. After six months, the incarcerated person may make a written request to have the visitor placed back on their approved visitor list. At this time, the visitor shall reapply for approval to visit by submitting a CDCR Form 106 (Rev. 05/25), ~~v~~Visiting ~~q~~Questionnaire Application, which is incorporated by reference, to visiting staff.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2080, 2086, 2930 and 5054, Penal Code.

3172. Applying to Visit an Incarcerated Person.

[Subsections 3172(a) and (b) are amended to read:]

(a) It is the incarcerated person's responsibility to forward a CDCR Form 106 (Rev. 05/25), ~~v~~Visiting ~~q~~Questionnaire Application, which is incorporated by reference, to any prospective visitor.

(b) All adults seeking to visit an incarcerated person shall ~~provide~~ submit a completed CDCR Form 106 (Rev. 05/25), ~~v~~Visiting ~~q~~Questionnaire Application to visiting staff, and obtain institution~~/~~ or facility approval before they may be permitted to visit with an incarcerated person.

[Subsections 3172(b)(1) through (c) are unchanged.]

[Subsections 3172(d) through (g) are amended to read:]

(d) It is a felony for any formerly incarcerated person to come on institution or facility property for any reason~~,~~ without prior approval of the institution head or designee. Requests from a formerly incarcerated person to visit an incarcerated person ~~must~~ shall be made in writing and submitted to the institution head or designee. The request shall include a CDCR Form 106 (Rev. 05/25), ~~v~~Visiting ~~q~~Questionnaire Application, and a Certificate of Discharge. Supervised persons and prospective visitors under probation shall provide written proof of permission to make such a visit from their case supervisor.

(e) The visiting approval application process shall include an inquiry of personal, identifying, and the arrest history information of the prospective visitor sufficient to complete a criminal records clearance and a decision by the institution~~/~~ or facility designated staff to approve or disapprove based upon the information provided. This information is subject to periodic review by designated staff. Any change in the visitor's name, address, telephone number, or arrest history ~~must~~ shall be reported and may require submission of an updated Visiting ~~q~~Questionnaire Application in order to retain the status of an approved visitor.

(f) Previously approved visitors shall submit a new ~~v~~Visiting ~~q~~Questionnaire Application prior to visiting any incarcerated person who has been returned to an institution~~/~~ or facility from parole or admitted into a substance abuse treatment control unit while on parole. The visitor shall not be allowed to visit prior to obtaining the institution~~/~~ or facility approval.

(g) The applicant shall return the completed Visiting ~~q~~Questionnaire Application to the institution~~/~~ or facility via common carrier or personal delivery (except as provided in subsection (d) above) addressed to the attention of "Visiting.". Any Visiting ~~q~~Questionnaire Application received by the visiting office directly from an incarcerated person shall be disapproved. Approved visitors required to update information in accordance with (e) above, shall, absent information which would warrant immediate disapproval, be allowed to continue to visit pending the review and approval~~/~~ or disapproval of the updated Visiting ~~q~~Questionnaire Application.

[New subsection 3172(h) is adopted to read:]

(h) If the Visiting Questionnaire Application is incomplete or incorrect and does not warrant disapproval, the applicant may provide the missing or corrected information via email in the following circumstances:

(1) A minute order from the court is required.

(2) Verification forms for Failure to Appear (FTA) for outstanding citation(s) or a pending criminal case are required.

(3) The applicant has submitted an invalid driver's license or State Identification Number (ID).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4570.5 and 5054, Penal Code.

3172.2. Minimum Visiting Days and Hours.

[Subsection 3172.2(a) is amended to read:]

(a) Each institution~~/~~ or facility shall provide visiting for no less than ~~12~~ 18 hours per week. Any reduction of an institution~~/~~ or facility visiting schedule below ~~12~~ 18 hours shall require the prior approval of the Secretary or designee. Regular visiting days shall be consecutive and include Friday, Saturday, and Sunday.

[Subsections 3172.2(b) through (c) are unchanged.]

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 5054, Penal Code; and *In re French*, 164 Cal. Rptr. 800 (1980).

3173. Processing of Approved Visitors.

[Subsection 3173(a) is amended to read:]

(a) In the event that the Strategic Oversight Management System (SOMS) is not operating, ~~A~~approved visitors shall complete a visitor pass upon their arrival at the institution~~/~~ or facility visitor processing center and their approval to visit shall be verified.

[Subsection 3173(b) is amended to read:]

(b) All adult visitors shall present picture identification before being permitted to visit. For each minor, an ~~certified record of birth (~~official government-issued birth certificate, or county~~-~~embossed abstract of birth~~)~~ shall be presented during each visit~~.~~, unless documents have already been scanned into the parent or legal guardian's visiting profile in SOMS, in accordance with subsections 3173(e) through (e)(5).

[Subsections 3173(c) through (c)(6) are unchanged.]

[Subsection 3173(d) is unchanged but is shown for reference.]

(d) Minors may be allowed to visit an incarcerated person subject to the restrictions of section 3173.1. If the accompanying adult is not the parent or legal guardian of the minor, a notarized written consent shall be required from a person with legal custody of the minor, authorizing the minor to visit while accompanied by a designated adult.

[New subsections 3173(e) through (e)(5) are adopted to read:]

(e) Upon request by a visitor, or a parent or legal guardian of a minor visitor, the following documents shall be scanned into SOMS in lieu of presenting the documents in the future:

(1) An official government-issued birth certificate or county-embossed abstract of birth, for a visiting minor.

(2) A notarized written parental consent in accordance with subsection 3173(d), for a visiting minor, that includes approval of scanning the notarized written consent into SOMS for future visits.

(3) An official government-issued marriage license or domestic partnership form, for a person attending an approved family visit, as described in section 3177.

(4) An official government-issued birth certificate or county-embossed abstract of birth, for a parent or sibling attending an approved family visit, as described in section 3177.

(5) A medical letter for a visitor, as described in subsections 3173.2(e)(1) and 3173.2(f).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4570.5, ~~and~~ 5054, and 6405, Penal Code.

3173.2. Searches and Inspections.

[Subsection 3173.2(a) is amended to read:]

(a) Any person coming onto the property of an institution or a facility shall be subject to ~~inspection as~~ a voluntary search, which is necessary to ensure institution or facility security including prevention of the introduction of contraband. ~~Inspections~~ A voluntary search may include a search of the visitor's person, personal property and vehicle(s) when there is reasonable suspicion to believe the visitor may be attempting to introduce or remove contraband or unauthorized items or substances into, or out of, the institution or facility. Visitors shall not be searched without consent unless institution/facility officials possess a court-issued warrant to conduct the search, or they are being detained for unlawful actions or activities in accordance with section 3292. Any person who does not consent to a search shall be denied visiting for that day, except as provided for in subsection 3173.2(c)(2)(B) regarding search of visitors using passive alert canines.

(1) For the purposes of this section as it pertains to visitors, voluntary clothed or unclothed body searches and inspections shall be conducted by using a hand-held wand and conducting a visual inspection to confirm that there is no introduction of contraband.

[Existing subsection 3173.2(b) is deleted.]

~~(b) Visitors shall not be forcibly searched unless institution/facility officials possess a court issued warrant to conduct the search, or are being detained for unlawful actions or activities in accordance with section 3292.~~

[Existing subsection 3173.2(c) is renumbered to (b) and is amended to read:]

(~~c~~b) Visitors shall be required to submit to contraband, ~~and/or~~ metal detection device(s), and~~/or~~ electronic drug detectors including, but not limited to, ION scanners and other available contraband ~~and/~~or metal detecting device(s) technology, and a thorough search of all personal items, including inspection of a wheelchair, implant, prosthesis or assistive devices prior to being allowed to visit with an incarcerated person. ~~Visitors shall be subject to search by passive canines as follows:~~

[New subsection 3173.2(c) is adopted to read:]

(c) Visitors shall be subject to search by passive canines as follows:

[Existing subsections 3173.2(b)(1) through (b)(2) are renumbered (c)(1) through (c)(2), but are otherwise unchanged, and are shown for reference.]

(1) Any person coming onto the grounds of any department facility is subject to search by a department canine as part of the department's drug interdiction program.

(2) Direct Search of Visitors using Passive Alert Canines.

Prior to beginning the search of visitors using passive alert canines, the Search Operations Commander or designee shall be responsible for determining if the search will be of all visitors entering or exiting an area, or only those selected on a random basis. The random selection method shall be documented on the Canine Air Scan Results Log prior to the commencement of the searches. The random pattern shall not be altered unless approved by the Search Operations Commander.

[Subsections 3173.2(c)(2)(A)-(B) are amended to read:]

(A) The canine handler shall make a courteous Visitor Search Announcement informing the visitor(s) that ~~he/she is~~ they are conducting passive canine air scan searches of visitors using passive alert canines and that the purpose of the scan is to detect ~~illegal drugs~~ controlled substances.

(B) The canine handler shall advise the visitor that ~~he/she is~~ they are going to conduct a passive canine air scan search of the visitor. All visitors, including attorneys or legal organizations as identified in section 3141(c)(~~9~~10) and employees of other government agencies, shall be informed that: (1) ~~he/she~~ any visitor does have the right to refuse the search, and (2) any visitor who refuses to be searched in this manner shall be denied contact visiting but shall be authorized for a non-contact visit if available on that same day.

[Subsections 3173.2(c)(2)(C) through (E) are unchanged but are shown for reference.]

(C) The visitor shall be directed to not interact with the canine in any way.

(D) While inadvertent contact is a possibility, the handler shall not instruct the canine to contact the visitor.

(E) If the visitor seems excessively nervous, the handler shall attempt to reassure the visitor that the procedure is safe.

[Subsection 3173.2(c)(3) is unchanged but is shown for reference.]

(3) Results of a Canine Search for Visitors Not Identified in Section 3410.2.

[Subsections 3173.2(c)(3)(A)-(B) are amended to read:]

(A) If the canine does not give a positive canine alert during an air scan search of a visitor, the visitor shall be permitted to resume ~~his/her~~ their visitor processing.

(B) If the canine does alert during an air scan search of the visitor, the visitor shall be informed that ~~he/she~~ they shall be required to submit to a clothed body search as a condition of a non-contact visit. Subsequently, if the clothed body search is negative for contraband, the visitor shall continue with processing into the non-contact visiting area. However, if the clothed body search results in the discovery of contraband, the visitor shall be denied entrance to the facility and may be subject to arrest and referral for criminal prosecution. If the visitor refuses to consent to a clothed body search, visiting shall be denied for the day. All positive alerts by Electronic Drug Detection Equipment (EDDE)~~/~~ or passive canine air searches, refusals to submit to clothed body searches after a positive alert, ~~and/~~or refusals to participate in the drug interdiction process shall be recorded on the SOMS visiting record. However, refusals to participate in a passive canine air scan search shall not be recorded on the SOMS visiting record. A visitor shall be informed that ~~he/she~~ they shall be subject to the following:

[Subsections 3173.2(c)(3)(B)1. through 4. are unchanged]

[Subsection 3173.2(c)(3)(C) is amended to read:]

(C) A visitor found in possession of ~~drugs~~ controlled substances ~~and/~~or ~~cell phones~~ a wireless communication device shall be referred to the institution's Investigative Services Unit (ISU) for possible arrest and shall be suspended from visiting at any CDCR facility pursuant to sections 3176.1, 3176.2, and 3176.3.

[Subsection 3173.2(c)(3)(D) is unchanged but is shown for reference.]

(D) Any confiscated controlled substance or other contraband shall be handled as evidence.

[Subsection 3173.2(c)(3)(E) is amended to read:]

(E) Whenever a canine handler finds contraband, the find shall be reported to the on-duty supervisor. The supervisor shall determine what action shall be taken.

[Subsection 3173.2(c)(3)(F) is amended to read:]

(F) In instances when a positive canine alert is given, a positive EDDE alert occurs, or if drug paraphernalia is discovered on the person of a visitor, the visitor shall be informed that ~~he/she~~ they shall be required to submit to a~~n~~ clothed body search as a condition of a non-contact visit if available that same day.

[Subsections 3173.2(c)(3)(G) through (c)(4)(A) are unchanged.]

[Subsection 3173.2(c)(4)(B) is amended to read:]

(B) Should the visitor claim that a positive canine alert is due to one or more prescribed medications, that person ~~must~~ shall provide current documentation in the form of a licensed physician's, licensed physician's assistant's, or certified nurse practitioner's verification or a valid prescription for the medication(s) that is~~/~~ or are suspected to have caused the positive alert before they will be permitted a contact visit. The visitor shall be informed that ~~he/she~~ they shall be required to submit to an EDDE scan to determine drug type. The visitor shall also be informed that if ~~he/she~~ ~~has~~ they have a negative scan or alert~~s~~ to a substance consistent with ~~his/her~~ their medical verification, ~~he/she~~ they shall be required to submit to a clothed body search as a condition of a contact visit. The visitor shall be informed that if ~~he/she~~ they alert~~s~~ to a drug or substance inconsistent with ~~his/her~~ their medical verification, ~~he/she~~ they shall be required to submit to a clothed body search as a condition of a non-contact visit, if available. If no contraband is discovered, the visitor will continue through processing. If the visitor is not able to provide the necessary current documentation, the individual shall be informed that ~~he/she~~ they shall be required to submit to a clothed body search as a condition for a non-contact visit, if space is available. If no contraband is discovered, the visitor shall be permitted to have a non-contact visit.

[Subsections 3173.2(c)(5) through (c)(6)(D) are unchanged.]

[Subsection 3173.2(d) is unchanged but is shown for reference.]

(d) Visitor Screening.

[Subsections 3173.2(d)(1) through (d)(1)(C) are unchanged.]

[Subsection 3173.2(d)(2) is amended to read:]

(2) Subject to subsection 3173.2(a), additional screening will occur when an individual sets off the alarm of the metal detector, an individual is selected for additional screening, or an individual has provided documentation to substantiate a condition that precludes successful screening by metal detector. If additional screening is necessary, the individual will be asked to complete a CDCR Form 888 (Rev. 07/24), Notice of Request for Search. ~~This~~ ~~a~~Additional screening may include either:

[Subsection 3173.2(d)(2)(A) is amended to read:]

(A) A clothed body search, which is conducted by performing a visual inspection and ~~A~~ a hand-held wand inspection ~~in conjunction with a clothed body search~~ of the visitor's body, including the torso; or

[Subsection 3173.2(d)(2)(B) is deleted.]

~~(B) A clothed body search alone; or~~

[Subsection 3173.2(d)(2)(C) is renumbered (B) and is amended to read:]

(~~C~~B) An unclothed body search, which is conducted by performing a visual inspection and a hand-held wand inspection of the visitor’s body.

[Subsections 3173.2(d)(3) through (d)(5) are unchanged.]

[Subsection 3173.2(d)(6) is amended to read:]

(6) Clothed body search: ~~To ensure security,~~ ~~a~~A clothed body search ~~may be used in conjunction with the~~ involving a visual inspection and a hand-held wand inspection, may be performed~~. A clothed body search may also be performed as a stand-alone procedure, when appropriate, or~~ to resolve alarms set off during an inspection by the metal detector. ~~A clothed body search may include touching sensitive areas of the body.~~ At no point will staff touch the visitor. If the hand-held wand alerts to an area on a visitor, staff shall request the visitor complete a CDCR Form 888 (Rev. 07/24), Notice of Request for Search. With the visitor's consent, staff shall have the visitor directed to a location where privacy can be established for further visual inspection of the visitor. Individuals may be asked to remove outer garments, heavy clothing, and shoes to complete a security search.

[Subsection 3173.2(d)(7) is amended to read:]

(7) Unclothed body search: An unclothed body search may consist of the removal of a portion, or all, of an individual's clothing, ~~is a security procedure that~~ and involves a visual inspection of a person's body and body cavities, ~~with all of their clothing removed~~ and a thorough inspection of the person's clothing for the purpose of detecting contraband. The visitor's body will not be touched by staff during the unclothed body search. This procedure shall be conducted with the visitor's consent and when there is a reasonable suspicion that the visitor may be carrying contraband and when no less intrusive means are available to conduct the search.

[Subsection 3173.2(e) is unchanged but is shown for reference.]

(e) Visitors with medically implanted or prosthetic devices:

[Subsection 3173.2(e)(1) is amended to read:]

(1) Visitors with temporary or permanent medically implanted or prosthetic device(s) who cannot clear the metal detection device ~~and/~~or visitors who require the use of a wheelchair or other assistive devices for mobility impairment shall present a letter of verification signed by their physician, physiatrist, prosthetist, or orthotist. The letter must confirm the mobility impairment, ~~and/~~or the nature of the medically implanted or prosthetic device and its specific location in~~/~~ or on the ~~body~~ person, and the need for any assistive device.

[Subsections 3173.2(e)(2) and (e)(3) are amended to read:]

(2) Visitors with a temporary medically implanted or prosthetic device(s) shall be required to renew the verification letter~~, as~~ described in subsection 3173.2(e)(1), every two years.

(3) Visitors with a permanent medically implanted or prosthetic device(s) shall be required to renew the verification letter~~, as~~ described in subsection 3173.2(e)(1), to coincide with any changes to the device(s).

[Subsection 3173.2(f) is amended to read:]

(f) Visitors who require the use of a wheelchair shall temporarily transfer to a designated institution~~/~~ or facility wheelchair, when available, while visiting staff conduct an inspection of the visitor's wheelchair. Visitors who present a letter signed by their physician that confirms the need for using a battery powered or custom designed wheelchair shall be

exempt from the requirement of transferring from their personal wheelchair. In such cases, the visitor shall permit an inspection of the personal wheelchair and allow a hand-held metal detection device to be used.

[Subsection 3173.2(g) is amended to read:]

(g) Except as provided in subsection 3173.2~~(b)~~(a), if the search of any visitor's person, property or vehicle exceeds that which is normally required for all visitors, the visitor shall be informed in writing of the reason for the search and the name of the official ordering the search. Consent shall be obtained from the visitor prior to the search.

[Subsection 3173.2(h) is amended to read:]

(h) A visitor who refuses to be searched except as described in subsection 3173.2(c)(2)(B) regarding canine searches, shall be denied visiting for that day.

[Subsections 3173.2(i) through (j)(1) are unchanged.]

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4573, 4573.5, 4576, 5054 and 6402, Penal Code.

3176. Denial, Restriction, Suspension, Termination or Revocation of Visits and Exclusion of a Person.

[Initial paragraph through subsection 3176(a)(6) is unchanged.]

[Subsection 3176(a)(7) is amended to read:]

(7) The visitor has a medically implanted or prosthetic device, cannot clear the contraband or metal detection devices, and does not provide the written verification required in section 3173.2(~~d~~e)(1).

[Subsections 3176(a)(8) through (d) are unchanged.]

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3177. Family Visiting (Overnight).

[Initial paragraphs through subsection 3177(b) are unchanged.]

[Subsection 3177(b)(1) is amended to read:]

(1) ~~Family visits shall not be permitted for incarcerated persons convicted of a violent offense where the victim is a minor or family member or any sex offense, which includes but is not limited to the following Penal Code sections: 187 (when the victim is a family member as defined in Section 3000 or minor); 192 (when the victim is a family member or minor); 243.4; 261; 261.5, 262; 264.1; 266c; 266j; 273a; 273d; 273.5; 273.6; 285; 286; 288; 287; 288.2; 288.5; 289; 289.5; 311.1; 311.2; 311.3; 311.4; 313.1; 314; or 647.6, unless otherwise eligible pursuant to subsection (b)(1)(B) or (C) of this section.~~ Unless otherwise eligible pursuant to subsection 3177(b)(3), family visits shall not be permitted for incarcerated persons convicted of:

(A) Any registerable sex offense pursuant to Penal Code section 290.

(B) Any offense involving child abuse as defined in Penal Code section 273d.

(C) Any offense involving domestic violence as defined in Penal Code section 13700(b).

(D) Any violent offense as defined in Penal Code section 667.5(c) when the victim is a minor or immediate family member.

(E) Any offense involving child endangerment as defined in Penal Code section 273a.

[Existing subsection 3177(b)(1)(A) is renumbered (b)(2) and is amended to read:]

~~(A)~~(2) Incarcerated persons may be prohibited from family visiting where substantial documented evidence or information of ~~the misconduct~~ offenses described in subsections 3177(b)(1)(A)-(E) exists, without a criminal conviction. The evidence or information appropriate for the purpose of this regulation shall include serious rule violation reports as well as the standard described in section 3173.1.

[Existing subsection 3177(b)(3) is renumbered (b)(8) but is otherwise unchanged.]

[New subsections 3177(b)(3) through (b)(4)(B) are adopted to read:]

(3) Notwithstanding subsections 3177(b)(1)(C)-(E) and 3177(b)(2), a classification committee may grant family visits under the following circumstances:

(A) An incarcerated person who committed their disqualifying offense as an adult demonstrates sustained, positive behavior as described in subsection 3177(b)(4), for at least the previous seven years of continuous incarceration. The classification committee shall consider the circumstances of the disqualifying offense in determining whether the incarcerated person poses a threat of harm to visitors during a family visit. In making its determination, the classification committee shall consider, but is not limited to, arrest reports, probation officer reports, court transcripts, and parole revocation transcripts.

(B) An incarcerated person who committed their disqualifying offense as a minor demonstrates sustained, positive behavior as described in subsection 3177(b)(4) for at least the previous five years of continuous incarceration. The classification committee shall consider the circumstances of the disqualifying offense in determining whether the incarcerated person poses a threat of harm to visitors during a family visit. In making its determination, the classification committee shall consider, but is not limited to, arrest reports, probation officer reports, court transcripts, and parole revocation transcripts.

(4) Sustained, positive behavior shall be demonstrated by:

(A) No serious rule violations.

(B) Documented participation in self-help groups, e.g., Anger Management, Narcotics Anonymous, Alcoholics Anonymous.

[New subsection 3177(b)(5) is adopted to read:]

(5) Following the first denial of family visits by a classification committee, subsequent requests for family visits by the incarcerated person may be filed every 24 months.

[Existing subsections 3177(b)(1)(B) and (C) are deleted.]

~~(B) Incarcerated persons convicted as a minor of a violent offense where the victim was a minor or family member, excluding any sex offense, shall have eligibility for family visiting determined by a classification committee provided the incarcerated person has demonstrated sustained, positive behavior to include: no serious rules violation reports in the last five years and documented participation in self-help groups, e.g., Anger Management, Narcotics Anonymous, Alcoholics Anonymous. The classification committee shall consider the circumstances of the offense involving a minor or family victim in determining whether the incarcerated person poses a threat of harm to visitors during a family visit. In making its determination, the classification committee shall consider, but is not limited to, arrest reports, probation officer reports, court transcripts, parole revocation transcripts.~~

~~(C) Incarcerated persons convicted of a violent offense where the victim was a minor or a family member, excluding any sex offense, may be eligible for family visiting as determined by a classification committee providing the incarcerated person has demonstrated sustained, positive behavior to include: no serious rules violation reports in the last ten years and documented participation in self-help groups, e.g., Anger Management, Narcotics Anonymous, Alcoholics Anonymous. The classification committee shall consider the circumstances of the offense involving a minor or family victim in determining whether the incarcerated person poses a threat of harm to visitors during a family visit. In making its determination, the classification committee shall consider, but is not limited to, arrest reports, probation officer reports, court transcripts, parole revocation transcripts.~~

[Existing subsection 3177(b)(1)(D) is renumbered (b)(6) and is amended to read:]

~~(D)~~(6) Family visiting shall be restricted as necessary to maintain order, the safety of persons, the security of the institution~~/~~ or facility, and required prison activities and operations, pursuant to section 3170.

[Existing subsection 3177(b)(2) is renumbered (b)(7) but is otherwise unchanged.]

~~(2)~~(7) Family visits shall not be permitted for incarcerated persons who are in any of the following categories:

(A) Designated Close Custody;

(B) Designated a condemned incarcerated person;

(C) Assigned to a reception center;

(D) Assigned to a Restricted Housing Unit;

(E) Designated “C” status;

(F) Guilty of one or more Division A or Division B offense(s) within the last 12 months; or

(G) Guilty of distribution of a controlled substance while incarcerated in a state prison, under subsection 3016(d). Loss of family visiting (overnight) in accordance with subsection 3315(g)(5)(H).

[Existing subsection 3177(b)(3) is renumbered (b)(8) but is otherwise unchanged.]

~~(3)~~(8) Family visits shall be permitted only in CDCR institutions and conservation camps.

[Subsections 3177(c) through (g) are unchanged.]

NOTE: Authority cited: Sections 5058 and 6404, Penal Code. Reference: Section 297.5, Family Code; and Section 5054, Penal Code.

STATE OF CALIFORNIA

VISITING QUESTIONNAIRE APPLICATION

CDCR 106 (Rev. 05/25)

READ CAREFULLY. Please **PRINT** or **TYPE**. The information requested will be used by officials of the California Department of Corrections and Rehabilitation (CDCR) to determine whether your Visiting Questionnaire Application will be approved or disapproved. The information provided will be maintained in a file pertaining to the incarcerated person.

In accordance with the Privacy Act of 1974 (PL93-579), providing your Social Security number is optional. However, any omission or falsification on this questionnaire may be cause for denial of visiting. Please mail this form directly to the Visiting office of the institution where the incarcerated person is housed.

NAME OF INCARCERATED PERSON YOU WANT TO VISIT (LAST FIRST MIDDLE)				INCARCERATED PERSON'S CDCR NUMBER
2. YOUR NAME: (LAST FIRST MIDDLE)			SUFFIX (Jr., Sr., etc.)	HOME TELEPHONE NUMBER
3. MAIDEN NAME (If applicable)	HAVE YOU EVER USED ANOTHER NAME? IF SO, PLEASE LIST		RELATIONSHIP TO INCARCERATED PERSON (Spouse, Son/ Daughter, etc.)	
4. DATE OF BIRTH	AGE / GENDER	BIRTHPLACE (City County State Country)		
5. ID NUMBER	ID TYPE (Check one) ☐ DRIVER'S LICENSE ☐ STATE ID ☐ PASSPORT ☐ MATRICULA CONSULAR DE ALTA SEGURIDAD (MCAS)			
	EMAIL ADDRESS:			
EXPIRATION DATE:	ISSUED BY (County, State, Country)		6. SOCIAL SECURITY NUMBER (Optional)	

7. CURRENT RESIDENCE ADDRESS: STREET ADDRESS, Apt. # (If applicable)	CITY	STATE	ZIP CODE
8. MAILING ADDRESS: (If different from Residence Address)	CITY	STATE	ZIP CODE
9. PREVIOUS ADDRESS WITHIN PAST TWO YEARS, Apt. # (If applicable)	CITY	STATE	ZIP CODE

10. HAVE YOU EVER VISITED ANOTHER INCARCERATED PERSON(S) IN A CALIFORNIA PRISON?

(Check one) ☐ YES ☐ NO If YES, complete Item 11. Attach additional sheet(s) if more than two incarcerated persons

11. INCARCERATED PERSON NAME	CDCR NUMBER	INSTITUTION WHERE YOU VISITED INCARCERATED PERSON	RELATIONSHIP TO INCARCERATED PERSON
1.			
2.			

12. HAVE YOU EVER BEEN DETAINED, ARRESTED, OR CONVICTED OF A CRIME?

(Check one) ☐ YES ☐ NO

13. ARE YOU ON PROBATION?	ARE YOU ON PAROLE OR CIVIL ADDICT OUTPATIENT STATUS?	HAVE YOU BEEN INCARCERATED IN A STATE ADULT/JUVENILE CORRECTIONAL FACILITY?	14. ARE YOU CURRENTLY UNDER ANY TYPE OF COURT IMPOSED PROGRAM?
(Check one) ☐ YES ☐ NO	(Check one) ☐ YES ☐ NO	(Check one) ☐ YES ☐ NO	(Check one) ☐ YES ☐ NO
If YES, answer 13A	If YES, answer 13A	If YES, answer 13B	If YES, please explain on additional sheet and attach to this form.

13A. TYPE: (Court, Formal, Informal, etc.)	SUPERVISING AGENCY	NAME, ADDRESS, AND TELEPHONE NUMBER OF YOUR PROBATION/PAROLE OFFICER	COUNTY	STATE

13B. If you were discharged from an institution or discharged from parole or outpatient status, you must have prior written approval of the Warden before visiting will be permitted. You will also need to provide a copy of your discharge paperwork.

14. If you are under 18 years of age and are not an emancipated minor or the incarcerated person's legal spouse and are not accompanied by a parent or legal guardian, you must have the notarized written consent of a parent or legal guardian and be accompanied by a responsible adult who is also approved to visit. The notarized written consent must be presented each time a minor visits unless prior approval has been attained from the Warden for an incarcerated person to visit with his or her unchaperoned children, or the notarized written consent has been uploaded into the Strategic Oversight Management System (SOMS), per the parent or legal guardian visitor's request.

15. **VISITORS WITH DISABILITIES:** If you have special requirements related to your disability (medical implants, prosthetic devices or mobility assistive devices, i.e., crutches, walker, braces, wheelchairs, battery operated or custom prescribed wheelchairs, guide dog for the visually or hearing impaired, insulin kit with syringes, etc.) you will need to attach a verifying statement from your physician. Visitors with guide dogs will need to provide the dog's certification paperwork upon visit check-in. The CDCR will make every effort to provide reasonable accommodations for all qualified/eligible visitors with disabilities in keeping with the safety and security of the institution and the public. If you have any questions and/or concerns, please contact the institution where the incarcerated person is housed.

ADOPT

CONTINUED ON BACK PAGE

STATE OF CALIFORNIA

VISITING QUESTIONNAIRE APPLICATION

CDCR 106 (Rev. 05/25)

16. The following laws relate to prison visitation:
SUBJECT TO SEARCH: Visitors entering the correctional institution, camp or facility grounds are subject to a search of their person, vehicle and property. Except as described below, visitors may leave the institution, camp, or facility grounds rather than submit to a search of their person, vehicle or property. Refusal to submit to the search will result in denial of visiting for that day.
A vehicle may be chosen to be searched as part of the Department's canine visitor vehicle search program. Visitors have the right to refuse the search, in exercising this right the driver of the vehicle will be required to remove that vehicle from institution grounds, however, the visitor will not lose their ability to visit this date, provided they return without the vehicle. A refusal to consent to a canine vehicle search in part will not prohibit any passengers of the vehicle from continuing in the visiting process. Should consent be given and narcotics or contraband are discovered, the driver and all passengers will be subject to arrest. Should the canine alert to the presence of narcotics, regardless if narcotics are discovered, all passengers will be subject to a more intensive search of their person as a condition of visiting on that date.
Visitors may not elect to leave the correctional institution, camp or facility grounds rather than submit to a search when institution officials possess a court issued search warrant or cause for a search arises while the visitor is on the institution grounds and the cause for the search is believed by institutional officials to be a criminal offense.
FIREARMS AND DRUGS ON INSTITUTIONAL GROUNDS/ASSISTING INCARCERATED PERSON TO ESCAPE: It is a felony for anyone to assist incarcerated persons to escape. Bringing firearms, deadly weapons, explosives, tear gas, drugs, drug paraphernalia, or selling drugs on prison grounds, or giving/selling incarcerated persons firearms, weapons, explosives, liquor, cocaine, narcotics or any kind of drugs, including marijuana, is a crime (Sections 2772, 2790, 4534, 4535, 4550, 4573, 4573.5, 4573.6, 4573.8, 4573.8, 4573.9, 4574, 4600, California Penal Code). **GIVING LETTERS TO INCARCERATED PERSONS OR TAKING LETTERS OUT FOR INCARCERATED PERSONS BY ANYONE IS A MISDEMEANOR:** (Sections 4570, 4570.1, California Penal Code).

FALSE IDENTIFICATION: Anyone who falsely identifies himself or herself to gain admittance to a prison is guilty of a misdemeanor. Persons previously convicted of a felony in the State who come upon the grounds of a prison without permission of the official in charge are guilty of a felony. (Sections 4570.5, 4571, California Penal Code).
PERIOD OF EMERGENCY: In the event of an emergency situation that affects a significant portion of the incarcerated population at an institution, the visiting program and other program activities may be suspended during the period of emergency (Section 2601(d), California Penal Code).
GIVING OR RECEIVING GIFTS: *Visitors shall not give or receive gifts from incarcerated persons* (Section 3010, California Code of Regulations, Title 15, Division 3, Chapter 1).
HOSTAGES: Hostages will not be recognized for bargaining purposes during attempted escapes by incarcerated persons (Section 3304, California Code of Regulations, Title15, Division 3, Chapter 1).

17. If you are APPROVED to visit, the incarcerated person will be notified and it is their responsibility to notify you.
If you are DISAPPROVED to visit, the institution will notify you by mail. You will not be allowed to visit until your application is approved.

I have read and understand the above information and agree to follow all Federal, State and CDCR rules and regulations. VISITOR SIGNATURE _____ DATE _____	**VERIFICATION OF MAILING** I have mailed this Visiting Questionnaire Application to the visitor applicant. INCARCERATED PERSON SIGNATURE/CDCR # _____ DATE _____

OFFICIAL USE ONLY – TO BE COMPLETED BY INSTITUTION STAFF

Criminal History: ☐ ☐ NO CII/FBI #: _____

☐ APPROVED

☐ DISAPPROVED, for the following reason(s): (if DISAPPROVED, the applicant and incarcerated person are to be informed in writing of the disapproval.)

☐ Omissions and/or falsifications Section(s): _____ ☐ Need copy of Declaration of Discharge

☐ Need disposition(s) for _____

☐ Applicant is under: ☐ Parole ☐ Formal Probation ☐ Civil Addict Outpatient Supervision

☐ Arrest record received via DOJ indicates applicant has an extensive or recent history of criminal activity for offenses that are particularly sensitive to institutional security. May reapply after: DATE: _____

☐ Other: _____

☐ Applicant's privileges to visit will be reconsidered: _____

☐ Upon receipt of the above requested information _____ and/or _____ ☐ after DATE: _____

PRINT NAME	SIGNATURE	TITLE	INSTITUTION	DATE

☐ INCARCERATED PERSON/VISITOR NOTIFIED ON (DATE): _____ NOTIFICATION PROVIDED BY WHOM: _____

ADOPT

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF REQUEST FOR SEARCH

CDCR 888 (Rev. 07/24)

INSTITUTION CONDUCTING THE SEARCH

VISITOR NAME	NAME OF INCARCERATED PERSON	CDCR #

Institution staff has cause to suspect that you might be carrying some form of contraband. Consistent with the posted notice at the entrance of this facility, we request your voluntary submission to a clothed/unclothed search of your person and any minor(s) accompanying you. The search may include your personal possessions and your vehicle.

All visitors have the right to refuse the search and forego the visit for a day. All visitors have the right to stop the search at any time and forego the visit for the day. If a minor is to be subjected to a clothed/unclothed search, only the parent or legal guardian may authorize the search and must be present during the search. Absent positive proof of relationship, (e.g., birth certificate, court order, notarized authorization by parent or legal guardian), a search of a minor will not be conducted and the minor's visit will not be allowed. A separate CDCR Form 888 is required for each minor.

A clothed body search is conducted if the visitor does not clear metal detectors/scanners, then after a clothed body search if additional attempts to clear the metal detectors/scanner fail, an unclothed body search would be requested. An unclothed body search is a security procedure that involves visual inspection of a person's body and body cavities with all of their clothing removed and a thorough inspection of the person's clothing for the purpose of detecting contraband. This procedure shall be conducted with the visitor's consent and when there is a reasonable suspicion that the visitor may be carrying contraband and when no less intrusive means are available to conduct the search. This search shall be conducted in a private setting and by staff members of the same gender as the adult or minor visitor. Exceptions to the gender of the staff member conducting the search will only be allowed for those identifying as transgender, intersex, or non-binary. A second staff member, of the same gender as the staff member conducting the search, will serve as the witness to the search.

ADVANCED PERMISSION FOR THIS SEARCH (OFFICIAL ORDERING THE SEARCH) WAS SECURED FROM:

NAME	TITLE	DATE GRANTED
POSITION		TIME PERMISSION GRANTED

SPECIFIC REASON(S) FOR SEARCH AND COMMENTS

WATCH COMMANDER/VISITING LIEUTENANT SIGNATURE	DATE

GENDER IDENTIFICATION:	GENDER SEARCH PREFERENCE (Only for those that identify as Transgender, Intersex, or Non-Binary)
☐ Male ☐ Transgender ☐ Female ☐ Intersex ☐ Non-Binary	☐ Male ☐ Female

☐ I VOLUNTARILY AGREE to be searched
☐ Clothed ☐ Unclothed
Signature of Visitor — Date

☐ I VOLUNTARILY AUTHORIZE the search of minor
☐ Clothed ☐ Unclothed
Signature of Visitor (Parent or Legal Guardian) — Date
Relationship to Minor
Name of Minor — Age

☐ I REFUSE to be searched. I understand by refusing to be searched, I will be foregoing my visit today.
Signature of Visitor — Date

☐ I REFUSE TO AUTHORIZE the search of minor. I understand by refusing the search, the minor will be foregoing the visit today.
Signature of Visitor (Parent or Legal Guardian) — Date
Relationship to Minor
Name of Minor — Age

	NAME	POSITION
Staff Member Conducting Search		
Staff Member Witnessing Search		

SEARCH RESULTS: ☐ **POSITIVE** ☐ **NEGATIVE**

DESCRIPTION OF CONTRABAND

VISITOR IS: ☐ **PERMITTED** to visit incarcerated person ☐ **NOT PERMITTED** to visit incarcerated person

NAME (Staff Completing Form)	TITLE	DATE

DISTRIBUTION: **Original:** C-File (Visiting) **Copies:** Institution Head, ISU, Visitor

Unchanged - For Reference Purposes Only

INITIAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR or the department) proposes to amend sections 3170.1, 3171, 3172, 3172.2, 3173, 3173.2, and 3177 of the California Code of Regulations (CCR), Title 15, Division 3, Article 7, regarding Visiting.

On June 24, 2023, Governor Gavin Newsom signed Assembly Bill (AB) 134, amending California Penal Code section 6405. This new law, effective July 1, 2024, enhances the visitation process within CDCR by addressing document management and allowing specific items to be brought into the institutions for in-person and family visits.

These proposed regulations will eliminate the necessity for a visitor to provide specific documents upon each visit with an incarcerated person and will allow for specified documents to be scanned into the visitor's visiting profile within the department's Strategic Oversight Management System (SOMS) so that the visitor doesn't have to continually present these documents for future visits.

Additionally, the proposed regulations will increase the visiting days from two to three days per week. Regular visiting days will be consecutive and include Friday, Saturday, and Sunday. The total number of visiting hours increased from 12 hours a week to 18 hours per week to facilitate increased family connections and family reunification, which will aid in incarcerated persons' rehabilitation. These changes were included in the 2021 Budget Act, which included the third day in the visiting program.

The proposed regulations will also allow visitors to take any food or beverage items they have purchased in the visiting area out of the visiting area. This will relieve unnecessary waste and hardship on visitors.

The proposed regulations incorporate by reference into the CCR, CDCR Form 106 (Rev. 05/25), Visiting Questionnaire Application. Incorporating the form by reference into the regulations provides clarity and transparency to the incarcerated population and prospective visitors. The Visiting Questionnaire Application is completed by all potential visitors to determine whether they will be approved to visit an incarcerated person. The department shall perform a California Law Enforcement Telecommunications System (CLETS) check on each prospective visitor. While the department recognizes the importance of visiting to maintain family and community ties, the department's priority is to ensure the health and safety of all visitors, and those who live and work in the facilities. Therefore, background checks of all prospective visitors are necessary to avoid any potential criminal activity within the institutions and ensure institutional safety and security.

Additional revisions clarify and update the visitor search process by specifying that searches (both clothed and unclothed) are conducted by using a hand-held wand and performing a visual inspection. The visitor search process no longer involves touching the visitor. This will provide for more respectful searching of visitors and ensure a more supportive environment for visitors and families of incarcerated persons to help maintain

family and community connections, which will assist incarcerated persons with their rehabilitation and success once released from prison.

Lastly, language pertaining to Family Visiting (Overnight) is revised for better clarity and understanding, and will better protect the participants of family visits.

The proposed regulations will enhance the visitation process by streamlining administrative functions, making the process more efficient, which will allow for longer quality visiting times between visitors and incarcerated persons. This will make the visitation process more accommodating, ensuring a more accessible and supportive environment for families of visitors. By promoting positive family ties, it will assist in incarcerated persons' rehabilitation and prepare them for successful release. Additionally, the proposed regulations will help maintain the safety and security of visitation and family visits within the institutions. Lastly, the proposed regulations will bring department regulations into compliance with Penal Code section 6405.

CONSIDERATION OF ALTERNATIVES:

The department must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the department, would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Currently, no reasonable alternatives have been brought to the attention of the department that would alter the department's initial determination.

ECONOMIC IMPACT ASSESSMENT:

In accordance with Government Code Section 11346.3(b), the department has made the following assessments regarding the proposed regulations:

Significant Adverse Economic Impact on Business

The department has made an initial determination that the proposed regulatory action will not have a significant adverse economic impact on business. Additionally, there have been no facts, evidence, documents, testimony, or other evidence provided that would alter the department's initial determination. The proposed regulations do not have a direct impact on California businesses as the proposed regulations affect the internal management of CDCR only.

Creation of New or the Elimination of Existing Jobs within the State of California

The department has determined that the proposed regulations will not have an impact on the creation of new or the elimination of existing jobs within California as the proposed regulations affect the internal management of CDCR only.

Creation of New, Expansion or the Elimination of Existing Businesses Currently Doing Business within the State of California

The department has determined that the proposed regulations will not have an impact on the creation of new or elimination of existing businesses within California or affect the expansion of businesses currently doing business in California as the proposed regulations affect the internal management of CDCR only.

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The department has determined that the proposed regulations will benefit the health and welfare of California residents who are visiting incarcerated persons, as well as incarcerated individuals themselves, by enhancing the visiting process to allow for a more accommodating and supportive environment, which will promote positive family ties and increase rehabilitation for the incarcerated individual. The proposed regulations will have no impact on worker safety, or the State's environment.

BENEFITS OF THE REGULATIONS:

The proposed regulations will benefit friends, families, and loved ones of the incarcerated population by eliminating unnecessary steps from the visiting and visiting application process, which will remove potential barriers to those visiting incarcerated loved ones. Eliminating redundant processes and improving administrative efficiency will save time for both department employees and the incarcerated persons' loved ones. The benefits to both visitors and incarcerated persons will be longer and more frequent visits, which promote family connection and reunification and rehabilitation for the incarcerated person.

Forms Incorporated by Reference

- CDCR Form 106 (Rev. 05/25), Visiting Questionnaire Application

The CDCR Form 106 (Rev. 05/25), Visiting Questionnaire Application is incorporated by reference in these proposed regulations and is explained above and below in subsection 3171(c). The department uses over 1,500 regulatory forms, and because of this, it would be unduly cumbersome, expensive, and impractical to print all the forms in Title 15. Therefore, department forms are incorporated by reference into Title 15 where appropriate. A copy of this form is made available in these proposed regulations.

The CDCR Form 888 (Rev. 07/24), Notice of Request for Search, has already been adopted in recent regulations for Title 15, section 3173.2(c)(3)(G), and is unchanged in this rulemaking. A copy of this form is provided for reference purposes only.

MATERIALS RELIED UPON:

In proposing additions and amendments to these regulations, the department has neither identified, nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

SPECIFIC PURPOSE AND RATIONALE FOR EACH SECTION, PER GOVERNMENT CODE SECTION 11346.2(b)(1):

Subsection 3170.1(g) is amended to add subsection 3170.1(g)(1) for better organization of the subsection, and to establish that visitors are allowed to remove their purchased food and beverages from the visiting area. This change is necessary to permit visitors to remove food or beverages they purchased from the visiting area, as this poses no threat to the incarcerated population and staff, eliminates waste, and is cost-effective for the visitor. The existing prohibition on the removal of food or beverage items from the visiting area remains in effect for incarcerated persons.

Subsection 3171(c) is amended to incorporate by reference the CDCR Form 106 (Rev. 05/25), Visiting Questionnaire Application. A copy of the CDCR Form 106 is included in this rulemaking. Although these regulations currently refer to a visiting questionnaire, this questionnaire was not an official CDCR form, nor was it incorporated by reference into the regulations. The department determined it is necessary to create an official form titled "Visiting Questionnaire Application," and incorporate the form by reference into the Title 15 regulations. The CDCR Form 106 is necessary to allow staff to perform a California Law Enforcement Telecommunications System (CLETS) check on each visitor and provide staff with a RAP sheet (official Records of Arrests and Prosecutions) of all previous detentions, arrests, and/or convictions of prospective visitors. The requested information on the CDCR Form 106 does not require the visitor to include all arrests and convictions because this information is on the CLETS/RAP sheet for the visiting staff to see. The visitor is only required to answer yes or no to the question: "Have you ever been detained, arrested or convicted of a crime." This eliminates visitors being disapproved for forgetting to add entire arrest and conviction history, reduces workload for visiting staff by having to return the application for correction, and is a more efficient process to approve visitors. This process allows staff to do background checks on visitors to ensure visitors are not a danger to the incarcerated population or staff.

Subsections 3172(a) and 3172(b) are amended to incorporate by reference the CDCR Form 106 (Rev. 05/25), Visiting Questionnaire Application, in section 3172. As explained above for subsection 3171(c), the CDCR Form 106 (Rev. 05/25), Visiting Questionnaire Application, is a vital and necessary form for the department to determine whether a potential visitor may be approved to visit an incarcerated person. Minor non-substantive edits are made for clarification purposes, and better specification is provided by removal of the "/" and replacing with "or."

Subsections 3172(d), 3172(e), 3172(f), and 3172(g) are amended to include the new CDCR Form 106 (Rev. 05/25), Visiting Questionnaire Application in these subsections. The words “Visiting” and “Questionnaire” are capitalized to reference the new form, and the word “Application” is added where the form is referenced to identify the new name of the form. Additional language is added to subsection (d) for clarification purposes, to specify that the request to visit an incarcerated person is from a formerly incarcerated person, and the request is submitted to the institution head or designee and shall include the CDCR Form 106 along with a Certificate of Discharge. In subsection (e), the word “must” is replaced with “shall” for consistency with language now used in the CCR, Title 15. Other minor non-substantive edits are made for grammatical correction and clarification. In subsection (g), language is added for clarification, to specify that the visitor shall be allowed to continue visiting (absent information which would warrant immediate disapproval), pending the review and approval or disapproval of the updated Visiting Questionnaire Application.

Subsections 3172(h) through (h)(3) are adopted to allow visiting applicants to submit specified missing or corrected information via email. Allowing applicants to submit missing or corrected information via email will facilitate quicker and more efficient processing of the applicant’s application. This will improve and streamline the visitor application process, which aligns with the intent of AB 134. The circumstances provided in subsections (h)(1)-(3) that allow for documents to be submitted via email, were determined by the department to be the only circumstances that are allowable for providing documents via email. Any other circumstances will result in a denial of the application.

Subsection 3172.2(a) is amended to update the new visiting hours threshold from no less than 12 hours per week to no less than 18 hours per week. Additionally, the visiting days will increase from two days a week to three days a week, adding Friday to the regular consecutive visiting days. These changes are made to promote positive family reunification for visitors and incarcerated persons, which will assist in the incarcerated persons’ rehabilitation. The additional time spent with visitors may also increase incarcerated persons’ quality of life. Minor non-substantive grammatical edits are made to remove the “/” and add “or” for better clarity and specificity.

Subsection 3173(a) is amended to add language which specifies that visitors shall only complete a visitor pass upon arrival at the institution or facility “in the event that the Strategic Oversight Management System (SOMS) is not operating.” This amendment is necessary to update this subsection, as the visitor pass is no longer the method of visitor verification (unless SOMS is not working) due to the visiting process now being completed electronically via SOMS. Minor grammatical edits are made to remove the “/” and add “or” for better clarity and specificity.

Subsection 3173(b) is amended to add language which establishes that adult visitors need not provide a minor’s birth certificate or county-embossed abstract of birth upon each visit if those documents have already been scanned into the parent or legal guardian’s visiting profile in SOMS. The department shall scan visitor documents into

SOMS in accordance with new subsections 3173(e) through (e)(5), which allows specified documents to be scanned into SOMS upon request by a visitor or parent or legal guardian. Currently, the documents that are specified in subsections 3173(e)(1) through (e)(5) must be presented at each visit. With these updated regulations, visitors may now choose to have their documents scanned by custody staff into their visiting profile in SOMS, which will allow them to forgo presenting these documents for future visits. This revision is necessary to be in compliance with PC 6405 and will provide efficiency for the department and its visitors by eliminating duplicative paperwork processing upon subsequent visits by the visitor. The language "certified record of birth" is deleted to remove duplicative language, as it was determined that it is essentially the same thing as a "birth certificate." The words "government-issued" are added in front of "birth certificate" for clarification and consistency purposes. Minor non-substantive grammatical edits are made for correction purposes.

New subsections 3173(e) through (e)(5) are adopted to establish that upon request of a visitor, or a parent or legal guardian of a minor visitor, specified documents can be scanned into SOMS, allowing the visitor to forgo presenting the documents for future visits. These documents include: an official government-issued birth certificate or county-embossed abstract of birth for a visiting minor; a notarized parental consent for a visiting minor, that includes approval of scanning the notarized written consent into SOMS for future visits; an official government-issued marriage license or domestic partnership form, for a person attending an approved family visit; an official government-issued birth certificate or county-embossed abstract of birth for a parent or sibling attending an approved family visit; and a medical letter for a visitor, as described in subsections 3173.2(e)(1) and 3173.2(f). These revisions provide efficiency for the department and its visitors by eliminating duplicative paperwork processing upon subsequent visits by the visitor and are necessary to comply with Penal Code section 6405.

Subsection 3173.2(a) is amended to clarify that a person coming onto the property of an institution or a facility is subject to a voluntary search. Visitors must consent to being searched in order to visit an incarcerated person. This change aligns with the recently adopted CDCR Form 888 (Rev. 07/24), Notice of Request for Search, which specified that the search is voluntary, and the visitor must first consent to being searched. Additionally, language previously located in subsection 3173.2(b) is relocated to this subsection for a more appropriate placement of the language; and new language is added to specify that any person who does not consent to a search shall be denied visiting for that day, except as provided for in subsection 3173.2(c)(2)(B) regarding search of visitors using passive alert canines. This revision is necessary to provide clarity to visitors regarding the visiting search process, and to provide awareness to visitors that should they not consent to being searched, they shall be denied visiting for that day, except as provided for in subsection 3173.2(c)(2)(B), regarding search of visitors using passive alert canines. Minor non-substantive edits are made for grammatical correction purposes.

Subsection 3173.2(a)(1) is adopted to provide clarity that voluntary clothed or unclothed body searches and inspections shall be conducted using a hand-held wand and conducting a visual inspection to confirm that there is no introduction of contraband. This

language provides clarity for visitors and staff that no touching of the visitor by staff is involved. The department determined that visitors are to be treated as guests and are not to be held to the standard of the incarcerated population.

Existing subsection 3173.2(b) is deleted to consolidate this language with subsection 3173.2(a) for better placement and organization.

Existing subsection 3173.2(c) is renumbered to (b) due to the deletion of the previous subsection 3173.2(b) and is amended to remove the last sentence which refers to visitors being subject to search by passive canines. For better organization of the section, this sentence is relocated and numbered as 3173.2(c) to group together the language which follows it regarding search of visitors by passive canines. Other minor non-substantive grammatical edits are made for correction and clarity purposes.

New subsection 3173.2(c) is adopted to provide a new subsection which discusses search of visitors by passive canines. Language in this subsection is relocated from subsection 3173.2(b). Grouping similar language together in the same subsection provides for better organization of the section.

Subsection 3173.2(c)(2)(A) is amended to replace the verbiage “he/she” with “they” to provide for gender neutral terms, and to update the terminology used in today’s culture, and provide appropriate language associated with the LGBTI+ community. The language “illegal drugs” is replaced with “controlled substances” for more appropriate language, as “illegal drugs” language is outdated and limited, because not all drugs that are contraband are illegal.

Subsection 3173.2(c)(2)(B) is amended to replace the verbiage “he/she” with “they” to provide gender neutral terminology as used in today’s culture, and provide appropriate language associated with the LGBTI+ community. The reference to subsection 3141(c)“(9)” is amended to 3141(c)“(10)”, due to recent renumbering revisions to section 3141. The last reference to the verbiage “he/she” in this subsection is replaced with the language “any visitor” to align with gender neutral terminology used in today’s culture, which is more appropriate language associated with the LGBTI+ community.

Subsections 3173.2(c)(3)(A) and (B) are amended to replace the verbiage “his/her” and “he/she” with “their” and/or “they” throughout these subsections, to provide gender neutral terminology and more appropriate language associated with the LGBTI+ community. Other minor non-substantive grammatical edits are made for clarity and specification purposes.

Subsection 3173.2(c)(3)(C) is amended to replace the word “drugs” with “controlled substances” for consistency with language used in these proposed regulations and more appropriate language; and replace the language “cell phones” with “wireless communication device” for consistency with terminology used throughout the department’s regulations and more accurate language, as not all wireless communication devices are cell phones.

Subsection 3173.2(c)(3)(E) is amended to make a minor non-substantive correction to hyphenate the words “on-duty” for grammatical correction.

Subsection 3173.2(c)(3)(F) is amended to replace the verbiage “he/she” with “they” to provide gender neutral terminology and more appropriate language associated with the LGBTI+ community; and a non-substantive edit is made for grammatical correction.

Subsection 3173.2(c)(4)(B) is amended to replace the verbiage “he/she” and “his/her” with “they” and/or “their” throughout this subsection to provide gender neutral terminology and more appropriate language associated with the LGBTI+ community. The word “must” is replaced with “shall” for more appropriate and consistent language used throughout the CCR, Title 15. Other minor non-substantive edits are made for grammatical correction and clarity.

Subsection 3173.2(d)(2) is amended to add language for clarification purposes. New language specifies that if additional screening is necessary, the visitor will be asked to complete a CDCR Form 888 (Rev. 07/24), Notice of Request for Search. This language clarifies when the visitor will be asked to complete a Notice of Request for Search. Minor non-substantive edits are made for grammatical purposes. The CDCR Form 888 (Rev. 07/24) has already been incorporated by reference in section 3173.2(c)(3)(G) in a previous rulemaking and is unchanged in these proposed regulations. A copy of the Form 888 is included in this rulemaking for reference purposes only.

Subsection 3173.2(d)(2)(A) is amended to clarify that a clothed body search involves a visual inspection and a hand-held wand inspection. A clothed body search no longer involves touching the visitor. This language is revised as the department determined that visitors are to be treated as guests and are not to be held to the standard of the incarcerated population. This language also provides consistency with the language added in subsection 3173.2(a)(1).

Existing subsection 3173.2(d)(2)(B) is deleted as the clothed body search now consists of conducting a visual inspection and a hand-held wand inspection, as identified in subsection 3173.2(d)(2)(A), therefore the language in this subsection is no longer necessary.

Subsection 3173.2(d)(2)(C) is renumbered (d)(2)(B) and is amended to clarify that an unclothed body search involves a visual inspection and a hand-held wand inspection. No touching of the visitor is involved in the unclothed body search as the department determined that visitors are to be treated as guests and are not to be held to the standard of the incarcerated population. This language also provides consistency with the language added in subsection 3173.2(a)(1).

Subsection 3173.2(d)(6) is amended to remove conflicting language that could be interpreted, or that indicates, that a pat-down search is part of a clothed body search. A clothed body search no longer involves touching the visitor and is now performed by a visual inspection and a hand-held wand inspection. This language is revised as the department determined that visitors are to be treated as guests and are not to be held to

the standard of the incarcerated population. The language “[t]o ensure security” is removed to provide consistency with the language used for section 3173.2(d)(7) for the unclothed body search, in addition it was determined this language is duplicative, as section 3173.2(a) already states searches are necessary to “… ensure institution or facility security ….” Additional language is added to provide clarity regarding the clothed body search process, which may involve having the visitor remove outer garments, heavy clothing, and shoes to complete the search. Additionally, new language clarifies that the CDCR Form 888 (Rev. 07/24), Notice of Request for Search, will be requested if the hand-held wand alerts to an area on a visitor. The CDCR Form 888 (Rev. 07/24) has already been incorporated by reference in section 3173.2(c)(3)(G) in a previous rulemaking and is unchanged in these proposed regulations. A copy of the Form 888 is included in this rulemaking for reference purposes only.

Subsection 3173.2(d)(7) is amended to clarify what constitutes an unclothed body search and to remove duplicative or unnecessary language. The unclothed body search may consist of the visitor removing a portion, or all, of their clothing, for the purpose of detecting contraband. The visitor search process is progressive, with the least intrusive method being conducted first. If a visitor does not clear the metal detectors or a passive canine search, then a clothed body search would be requested/conducted. If the visitor did not clear a clothed body search, then an unclothed body search would be requested/conducted. The visitor search process is voluntary, and at no point is the visitor’s body touched during the clothed or unclothed body search process. The visitor body search process is necessary to ensure safety and security within the institutions by ensuring that contraband is not brought into or removed from the institutions.

Subsection 3173.2(e)(1) is amended to provide better clarification and specificity by replacing the language “and/or” with “or” and replacing the language “in/on” with “in or on the person,” which in addition to providing better clarity and specificity provides for more respectful language by referring to the “person” rather than their “body.”

Subsections 3173.2(e)(2) and (e)(3) are amended to remove confusing language which could be misinterpreted to mean the “renewal process” being described in subsection 3173.2(e)(1), which is not the case, rather the “verification letter” is what is described in subsection 3173.2(e)(1). Removal of the word “as” in these two subsections provides better clarity and understanding of these subsections.

Subsection 3173.2(f) is amended to make minor non-substantive edits for grammatical correction and clarity.

Subsection 3173.2(g) is amended to update and replace the referenced subsection “(b)” to “(a),” as the language that was previously located in subsection “(b)” is now located in subsection “(a).” Additionally, for clarity and consistency with the regulations, the section number “3173.2” is added prior to the referenced subsection “(a).”

Subsection 3173.2(h) is amended to add the section number “3173.2” and subsection “(2)(B)” for additional specificity to the referenced section, and for clarity and consistency. A minor non-substantive punctuation edit is made for grammatical purposes.

Subsection 3176(a)(7) is amended to revise the reference to section “3173.2(d)” to “3173.2(e)(1)” for correction purposes.

Subsection 3177(b)(1) is amended to revise and reformat the subsection for better clarity and understanding regarding whom shall be excluded from family visits. In the previous language, the first sentence which stated “…or any sex offense, which includes but is not limited to the following Penal Code sections: …” could be misinterpreted to read as if the listed Penal Code sections that followed were sex offenses only, which was not the case, as these were specific Penal Code sections that would exclude an incarcerated person from family visits. The revised language and reformatting, which include additional subsections that follow subsection(b)(1), provides a clearer and more structured format, which specifically identifies the offenses that shall exclude an incarcerated person from family visits. Additionally, removing the ambiguous language: “which includes but is not limited to” provides for better clarity and understanding.

New subsections 3177(b)(1)(A) through (E) are adopted to provide the list of offenses that shall exclude incarcerated persons from family visits. The listed offenses are derived from the original language in subsection 3177(b)(1), but are expanded upon for further specificity, clarity, and understanding. The listed offenses were determined by the department to be the most serious offenses that could be problematic for family visiting due to the nature of the offenses. Excluding incarcerated persons convicted of these offenses will help to ensure the protection, safety, and security of visitors seeking to participate in family visits.

Existing subsection 3177(b)(1)(A) now renumbered (b)(2) is amended to provide minor non-substantive grammatical edits and add subsections “(A)-(E)” after “3177(b)(1)” for clarity and better specificity. The word “misconduct” is revised to “offenses” for more accurate wording, as the language in subsections 3177(b)(1)(A)-(E) refer to “offenses.” The word “serious” is added in front of “rule violations” to clarify that “serious rule violations” will be the evidence or information considered when determining whether family visiting should be prohibited.

New subsections 3177(b)(3) through (b)(4)(B) are adopted to establish when a classification committee may grant an incarcerated person family visits. The language in these new subsections was previously outlined in subsections 3177(b)(1)(B) and (C), however section 3177 is revised and reorganized for better clarity and understanding. A classification committee may grant exceptions to 3177(b)(1)(C)-(E) for family visits provided they meet the requirements outlined in 3177(b)(3)-(b)(4). This was existing language that has been reformatted for clarity. The reduction of years for an incarcerated person who has a disqualifying offense as an adult is reduced from ten years to seven years. This change is made to be more in line with other regulations such as regulations regarding the “Violence” administrative determinant, which can be removed by a

classification committee in a similar timeline. This will provide consistency with other regulations, giving the incarcerated population similar timelines, and allow for possible family visitations to help strengthen family bonds and the successful reintegration of the incarcerated person into society. The five years for a disqualifying offense as a minor remains unchanged from the previous language. Section 3177(b)(4) is existing language that has been relocated for clarity and to be in line with the newly reorganized sections within 3177(b).

New subsection 3177(b)(5) is adopted to establish the time frame for when an incarcerated person may submit a subsequent request for family visits once they have been denied family visits by a classification committee. Incarcerated persons may file a request for family visits every 24 months from the first denial of family visits by a classification committee. The department determined that 24 months is a reasonable amount of time before another request can be submitted because it allows the incarcerated person sufficient time to remedy any outlined reasons for the previous denial by the classification committee, thus giving the incarcerated person an opportunity for reconsideration of family visits.

Existing subsections 3177(b)(1)(B) and (C) are deleted, as the language in these subsections has been relocated to subsections 3177(b)(3) through (b)(4)(B) for better organization, clarity, and understanding of the section.

Existing subsection 3177(b)(1)(D) now renumbered (b)(6) is amended to make a minor non-substantive grammatical edit, replacing the “/” with the word “or” for better clarity and specificity.

Existing subsections 3177(b)(2) and (b)(3) are renumbered (b)(7) and (b)(8) due to the renumbering of this section but are otherwise unchanged.