

Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** SB1023 S1

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Peake

3. **Committee:** Rehabilitation and Social Services

4. **Title:** Local and state correctional facilities; visitation.

5. **Summary:** This bill sets guidelines for visitation and search policies for state correctional facilities. The bill requires that visitors must be informed of the items that they are not permitted to bring into the facility and the items that they are permitted to bring into the facility. The bill provides that any items that are not permitted in the facility may be left in the possession of facility employees and returned to the visitor upon leaving the facility.

The bill allows for visitors to be scanned or wanded, and if detector canines are available, visitors are subject to canine searches. If, during the search, no contraband is indicated and the visitor is otherwise eligible to visit, the bill requires that the visitor be permitted a visit with the prisoner that allows personal contact. However, if the detector canine search indicates the possibility of contraband, the visitor must have the option of consenting to a search of his person. If the visitor does not consent to a search of his person after a detector canine indicates the possibility of contraband and the visitor is otherwise eligible to visit, he must be allowed a visit with the prisoner that does not allow personal contact.

The bill prohibits strip and cavity searches of anyone under the age of 18. However, the bill provides that if a detector canine search, scanning, or wanding of a minor indicates the presence of contraband and the minor is otherwise eligible to visit, the minor must be allowed a visit with the prisoner that does not allow personal contact.

The bill also allows a visitor to leave the correctional facility and discontinue the search process prior to the discovery of contraband. In these cases, a visitor may not be barred from future visits because he stops a search prior to the discovery of contraband or refuses to be searched. The bill prohibits prison personnel from using the search procedure or search results as a threat to bar future visits. The superintendent or other person in charge of the facility must ensure that corrections personnel do not use the search procedure or search results as a threat to bar future visits.

6. **Budget Amendment Necessary:** No

7. **Fiscal Impact Estimates:** Preliminary. See Item 8 below.

8. Fiscal Implications: According to the Department of Corrections, this bill is not expected to have a fiscal impact on agency operations.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections

10. Technical Amendment Necessary: None

11. Other Comments: None