

AN ACT establishing the right to family visitation for people in confinement

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON

**NEW SECTION. Sec. 1.** FINDINGS AND INTENT. (1) The legislature acknowledges that the family as stated in article 16 of the Universal Declaration of Human Rights “is the natural and fundamental group unit of society and is entitled to protection by society and the State.”

(2) The legislature further finds that protecting family bonds does not end at prison gates, that family support and connections can help promote reentry and reduce recidivism, and that protecting and promoting family visitation can help to maintain those connections and that support.

(3) The legislature acknowledges the United Nations Standard Minimum Rules for the Treatment of Prisoners, known as “the Nelson Mandela Rules,” which in Rule 43 state that “Disciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order.”

(4) The legislature intends to protect family visitation for incarcerated individuals, and strictly limit any denial of such visitation.

**NEW SECTION. Sec. 2.** A new section is added to chapter 72.09 RCW to read as follows:

(1) Persons committed to the custody of the department shall have the right to family visitation.

(2) For purposes of this section, family shall be defined as:

(a) Any member of the incarcerated individual’s immediate family as defined in RCW 72.09.015(14);

(b) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(c) Stepparents or stepsiblings;

(d) An intimate partner;

(e) Any person with an ongoing, substantial, and familial-style relationship with the incarcerated individual; and

(f) Any immediate family members of (a) through (e).

(3) Family visitation, including extended family visitation, shall not be denied as a disciplinary sanction unrelated to a violation of law during visitation. Any denial of family visitation due to a violation of law shall be limited to three months or less, unless the violation involved a sex offense or serious violent offense, wherein the denial must be limited to three years or less.

(4) Family visitation, including extended family visitation, shall not be denied on the basis of a judgment and sentence unless the denial of visitation is explicitly stated therein.

(5) Family visitation, including extended family visitation, shall not be denied for reasons related to a person’s immigration status or the existence of a federal detainer.

(6) Family visitation, including extended family visitation, may be denied temporarily for security reasons for no longer than seven days.

(7) A person shall not be denied the ability to visit family members in the custody of correctional facilities for reasons other than stated in this section, to include the visitor being on community custody, parole, or probation, or the visitor having been convicted of a criminal offense unrelated to the family member they seek to visit.

(8) Individuals assigned to maximum/close custody or in restrictive housing are not eligible for extended visitation by family. Individuals previously convicted of a serious violent offense involving domestic violence may be denied extended visitation by family with the victim of those offenses.

**NEW SECTION. Sec. 3.** A new section is added to chapter 13.40 RCW to read as follows:

(1) Persons committed to the custody of the department or of county juvenile detention facilities shall have the right to family visitation.

(2) For purposes of this section, family shall be defined as:

(a) Any member of the incarcerated individual's immediate family as defined in RCW 72.09.015(14);

(b) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(c) Stepparents or stepsiblings;

(d) An intimate partner;

(e) Any person with an ongoing, substantial, and familial-style relationship with the incarcerated individual; and

(f) Any immediate family members of (a) through (e).

(3) Family visitation shall not be denied as a disciplinary sanction unrelated to a violation of law during visitation. Any denial of family visitation due to a violation of law shall be limited to three months or less, unless the violation involved a sex offense or serious violent offense, wherein the denial must be limited to three years or less.

(4) Family visitation shall not be denied on the basis of a judgment and sentence unless the denial of visitation is explicitly stated therein.

(5) Family visitation shall not be denied for reasons related to a person's immigration status or the existence of a federal detainer.

(6) Family visitation may be denied temporarily for security reasons for no longer than seven days.

(7) A person shall not be denied the ability to visit family members in the custody of the department or of county juvenile detention facilities for reasons other than stated in this section, to include the visitor being on community custody, parole, or probation, or the visitor having been convicted of a criminal offense unrelated to the family member they seek to visit.

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.48 RCW to read as follows:

(1) Persons committed to the custody of correctional facilities shall have the right to family visitation.

(2) For purposes of this section, family shall be defined as:

(a) Any member of the incarcerated individual's immediate family as defined in RCW 72.09.015(14);

(b) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(c) Stepparents or stepsiblings;

(d) An intimate partner;

(e) Any person with an ongoing, substantial, and familial-style relationship with the incarcerated individual; and

(f) Any immediate family members of (a) through (e).

(3) Family visitation shall not be denied as a disciplinary sanction unrelated to a violation of law during visitation. Any denial of family visitation due to a violation of law shall be limited to three months or less, unless the violation involved a sex offense or serious violent offense, wherein the denial must be limited to three years or less.

(4) Family visitation shall not be denied on the basis of a judgment and sentence unless the denial of visitation is explicitly stated therein.

(5) Family visitation shall not be denied for reasons related to a person's immigration status or the existence of a federal detainer.

(6) Family visitation may be denied temporarily for security reasons for no longer than seven days.

(7) A person shall not be denied the ability to visit family members in the custody of correctional facilities for reasons other than stated in this section, to include the visitor being on community custody, parole, or probation, or the visitor having been convicted of a criminal offense unrelated to the family member they seek to visit.

