STATE OF NEW YORK

10584

IN SENATE

May 27, 2026

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to visiting incarcerated individuals in state and local correctional facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The correction law is amended by adding a new article 9 to read as follows:

ARTICLE 9

VISITING IN STATE AND LOCAL CORRECTIONAL FACILITIES

Section 220. Definitions.
221. Visiting schedules.
222. Visitor processing timeline.
223. Visiting room accessibility and conditions.
224. Visiting rights.
225. Radiologist consultant.
226. Visit denials, exceptions and accommodations.
227. Body scanner procedures.
228. Visitor medical exemptions.
229. Incarcerated individual visiting rights.
230. Investigations and appeals.
231. Visit suspensions.
232. Employee training and discipline.
233. Emergencies; suspension of visits.
234. Reporting.
235. Right to bring an action.
236. Law to be posted.

§ 220. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Visitor" means a person visiting an incarcerated individual in a non-professional capacity, including but not limited to a family member, friend, or romantic partner.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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2. "Contact visit" means an on-site in-person visit without the presence of physical barriers between an incarcerated individual and their visitors. Contact visits shall allow for physical contact including but not limited to hand holding, hugging, and children being able to sit on their parents' lap during the visit. Contact visits shall not include interactions through a two-way, audio-video communication device, such as a computer.

3. "Non-contact visit" means an in-person visit with a physical barrier between an incarcerated individual and their visitors or a visit in which no physical contact is allowed. Non-contact visits shall not include interactions through a two-way, audio-video communication device, such as a computer.

4. "Video call" means an interaction between an incarcerated individual and a visitor through an audio-visual communication device.

5. "Employee" means any person employed by the department or a municipality who works in any capacity in a state or local correctional facility, or any person who works in any capacity or has a non-personal reason to be in a state or local correctional facility regardless of the identity of their employer.

6. "State correctional facility" shall have the same meaning as "correctional facility" as defined in subdivision four of section two of this chapter.

7. "Menstrual product" means a sanitary napkin, tampon, menstrual disc, or menstrual cup.

8. "Contraceptive device" means an intrauterine device (IUD) or contraceptive implant.

9. "Unremovable religious item" means headwear, clothing, or jewelry that is against one's religious beliefs to remove from their person.

10. "Alternative search method" means any procedure used to search an individual that has not already been utilized on such individual regarding their intended entry into a state or local correctional facility, including but not limited to use of a body scanner, metal detector, pat down search, or canine search. All pat down searches for visitors, and strip searches for incarcerated individuals shall require written consent from the individual being searched.

11. "Body scanner" means equipment that utilizes a low dose of ionizing radiation or millimeter wave frequency to produce an anatomical image capable of detecting objects or materials placed on, attached to or secreted within a person's body.

12. "Emergency" means an unexpected, extraordinary situation involving the detonation of an explosive device, an acute mass contamination or public health emergency, an ongoing violent riot, revolt, or insurrection affecting a large number of people, or other similar emergency of the same magnitude and requiring immediate action to protect the safety of those involved. A staffing shortage or other lack of staff shall not constitute an emergency.

13. "High-level employee" means the correctional facility superintendent, sergeant, lieutenant, facility administrative employee, or for a local correctional facility, the sheriff.

§ 221. Visiting schedules. 1. All forensic mental health facilities shall allow in-person contact visits every day of the week, for multiple hours per day.

2. All state or local correctional facilities shall allow in-person contact visits with up to four visitors at a time, every day of the week, for at least six hours per day at state facilities.

3. Visits after six o'clock in the evening shall be made available on Saturdays, Sundays, and a minimum of two weekdays at all state and local correctional facilities.

4. Visitors shall be permitted to remain in the designated visiting area up to the entirety of visiting hours for that facility unless space does not permit due to the number of visitors visiting that day.

5. The number, length, and frequency of visits by each visitor may be limited only as necessary to accommodate all visitors who arrive during scheduled visiting times.

6. Multiple sets of visitors shall be permitted to visit an incarcerated individual at different times on the same day and a visitor shall be permitted to visit multiple incarcerated individuals at different times on the same day.

7. Visitors who leave a correctional facility after visiting an incarcerated individual shall be permitted to return to the facility that same day to participate in a visit, including with either the same incarcerated individual originally visited or a different incarcerated individual.

8. All state and local correctional facilities shall allow visits on all state holidays.

9. All visiting schedules shall be regularly updated online and shall be clearly and conspicuously posted in the visitor processing areas. Changes to visiting schedules shall be posted within one week of such changes being made.

§ 222. Visitor processing timeline. 1. Each correctional facility shall process visitors as expeditiously as possible and ensure that the incarcerated individual being visited and their visitor are able to be together starting within one hour of the visitor arriving at the facility within visiting hours; provided, however, that the incarcerated individual being visited may voluntarily choose to take more time to come for the visit.

2. State and local correctional facilities shall establish a system to allow visitors to document their arrival time for a visit at a correctional facility to ensure that visitors are not waiting longer than one hour. Data collected by such system shall not keep any individual identifying information about any individual visitor.

(a) Data on wait times at state correctional facilities shall be shared quarterly with the inspector general. The inspector general shall publish such data annually and shall include in such publication the average wait times at each state correctional facility. Upon such annual publication, the inspector general shall investigate the state correctional facilities with the highest wait times and shall make recommendations to the department on how to reduce such wait times.

(b) Data on wait times at local correctional facilities shall be shared quarterly with the commission. The commission shall publish such data annually and shall include in such publication the average wait times at each local correctional facility. Upon such annual publication, the commission shall investigate the local correctional facilities with the highest wait times and shall make recommendations to the local correctional facilities on how to reduce such wait times.

3. The department and local correctional facilities shall establish a system to allow visitors to opt-in to receive automated text messages notifying visitors in a timely manner when visiting days or hours are changed, visits are cancelled, or visiting hours are reduced or significantly delayed.

§ 223. Visiting room accessibility and conditions. 1. All state and local correctional facilities shall be accessible to visitors with disabilities, including but not limited to, ensuring that each facility provides sufficient seating in waiting areas and lobbies, including outdoor seating, outdoor awnings, working air conditioning inside visiting processing areas and visiting rooms within the correctional facilities, and the ability to use a cane or other mobility device at all points during the visiting process.

2. All locations involved in visiting, including waiting areas, processing areas, and visit rooms, shall be kept clean and in working order as defined by the federal Occupational Safety and Health Administration Restrooms and Sanitation Requirements and shall include water for hand washing, working bathrooms, hand soap, paper towels or hand dryers, and drinking water which shall be available at no cost. The department and local correctional facilities shall provide visitors with a mechanism to report any unsatisfactory conditions in such locations.

3. Visitors and incarcerated individuals shall have access to working vending machines. Such vending machines shall contain a variety of healthy foods representative of diverse cultural backgrounds and the prices shall reflect community standard prices.

§ 224. Visiting rights. 1. All visitors and incarcerated individuals being visited shall be treated with dignity and respect at all times.

2. Visitors and incarcerated individuals shall not be denied a contact visit solely on the basis of an odor of alcohol or marijuana or because they appear to be under the influence.

3. All correctional facilities shall have an amnesty box located in front of the facility which shall serve as a mechanism for visitors to dispose of any items which would be confiscated while going through the security process. The amnesty box shall be in a prominent location with clearly marked signs indicating its purpose. Any person utilizing the amnesty box shall not face any consequences for doing so.

§ 225. Radiologist consultant. The department shall hire at least one radiologist whose duties shall include determining whether an alleged abnormality found on an image from a body scanner is contraband when an employee is not able to make such a determination. Such radiologist shall be available for virtual consultation during all visiting hours.

§ 226. Visit denials, exceptions and accommodations. 1. The commission, in consultation with the department and local municipalities, shall establish procedures regarding the daily use of available screening methods, which shall include a rotation of body scanners, metal detectors, and canine searches, and shall establish protocols for which methods should be used for visitors and incarcerated individuals who are being visited on various days at each facility. Such procedures shall also include provisions establishing that alternative methods of screening may be used to accommodate individuals who are unable to be screened by body imaging scanning equipment for medical reasons.

2. Individuals under the age of eighteen and pregnant individuals shall not be screened by a body scanner utilizing any level of ionization. Procedures for identifying pregnant individuals shall be set forth in the procedures established by the commission, in consultation with the department and local municipalities.

3. Employees shall not ask visitors or incarcerated individuals who are being visited to remove items which would cause undue hardship or humiliation, including but not limited to unremovable religious items, wigs, menstrual products, contraceptive devices, and adult or children's diapers.

4. No visitor or incarcerated individual shall be denied access to an in-person contact visit unless contraband that is unlawful to possess outside of a correctional facility is found on the body of the visitor or the incarcerated individual being visited. The suspicion of contraband shall not warrant a visit denial.

5. A visitor or incarcerated individual shall have the opportunity to discard any item found on their body that is lawful to possess outside of a correctional facility and shall subsequently be entitled to a contact-visit if no contraband is found to exist on the body of the visitor or incarcerated individual during a second search.

6. During all visiting hours, there shall be a high-level employee trained in visiting policies who can be consulted in the event a problem with visiting should occur.

(a) High-level employees shall have the authority to override an employee's decision regarding granting a visitor access to a contact visit.

(b) Visitors and incarcerated individuals being visited shall be allowed to request to speak to a high-level employee, who shall speak with the visitor or incarcerated individual within no more than thirty minutes after such request. Visitors and incarcerated individuals shall have the opportunity to submit complaints to a high-level employee after a visit takes place.

7. Alternative search methods shall be used for visitors and incarcerated individuals that have reached body scanner radiation exposure limits. Upon clearing such alternative search method, the visitor or incarcerated individual shall be permitted to have a contact visit.

8. Body scanner and pat-down searches shall be conducted by a staff member of the same gender as the visitor or incarcerated individual, unless a staff member of the same gender is not available due to staffing capacity, in which case the visitor or incarcerated individual shall be offered an alternative search method and permitted to have a contact visit if the visitor or incarcerated individual clears such alternative search method.

9. In all state correctional facilities, and applicable local correctional facilities, visitor and incarcerated individual processing, including body scans and alternative search methods, shall be recorded with video and audio via activated body-worn cameras and/or stationary cameras. The department and applicable local correctional facility shall preserve such recordings for at least ninety days or until a filed appeal is resolved.

10. In no instance shall a malfunctioning or damaged body scanner result in the cancelling of visits or defaulting to non-contact visits. In such instance, alternative search methods shall be utilized.

§ 227. Body scanner procedures. The following procedures shall be followed upon allegations by employees of abnormalities on a body scanner image of a visitor or incarcerated individual in the following order:

1. The visitor or incarcerated individual shall be informed where on their person the image is displaying an alleged abnormality and the visitor or incarcerated individual shall be given the opportunity to address or remove said abnormality or any object that may wrongfully appear as an abnormality, unless the alleged abnormality on the scan is referring to a menstrual product, contraceptive device, or unremovable religious or medically necessary items. The visitor or incarcerated individual shall then be given the opportunity to go through the body

scanner a second time and shall be permitted a contact visit if the scan no longer indicates an alleged abnormality.

2. If the employee reviewing the scan determines that the scan still indicates an alleged abnormality and the visitor or incarcerated individual insists that they do not have contraband on their person, the radiologist shall be contacted within thirty minutes to digitally review the scan in order to make a determination. The radiologist shall return with a determination no later than ninety minutes after the radiologist is contacted. If the radiologist determines that the scan does not indicate contraband, then the visitor or incarcerated individual shall be granted a contact visit.

3. (a) If the radiologist determines that contraband is present, the visitor or incarcerated individual shall be offered the opportunity to remove or discard the contraband and shall then be given the opportunity to go through the body scanner a third time. The visitor or incarcerated individual shall be permitted a contact visit if the scan no longer indicates an alleged abnormality.

(b) If the radiologist determines that the scan is inconclusive and that contraband may be present, the visitor or incarcerated individual shall be offered the option for an alternative search method. If contraband is not recovered via the alternative search method, the visitor or incarcerated individual shall be permitted to have a contact visit. If an item that is lawful to possess outside of a correctional facility is recovered via an alternative search method, the visitor or incarcerated individual shall be given the opportunity to go through the body scanner a third time. If the scan no longer indicates an alleged abnormality, the visitor or incarcerated individual shall be permitted a contact visit. If there is still an alleged abnormality, the visitor or incarcerated individual shall be permitted a non-contact visit. If the visitor or incarcerated individual chooses to forgo an alternative search method after their third body scan, the visitor or incarcerated individual shall be permitted to have a non-contact visit.

4. Recovery of contraband that is unlawful to possess outside of a correctional facility or denial of a visit shall immediately result in a written notice to the visitor and the incarcerated individual being visited stating the reason for denying the visit and, if applicable, where on the body any contraband was found. Such notice shall be given to the visitor onsite, immediately following such visitation denial.

§ 228. Visitor medical exemptions. 1. Visitors with a medical condition that exempts them from utilizing a body scanner for reasons involving their health shall present documentation from a licensed medical provider at the time of their visit. When such documentation is provided, the visitor shall be entitled to an alternative search method and permitted a contact visit if contraband that is illegal to possess outside of a correctional facility is not recovered.

2. Visitors with a medical device or a medical condition that exempts them from utilizing a body scanner shall present documentation from a licensed medical provider at the time of the visit. Visitors who are unable to present such documentation at the time of the visit shall be: (a) notified of the requirement to bring such documentation; (b) offered a one-time exception to such requirement; and (c) offered an alternative search method. Clearing an alternative search method shall result in a contact-visit.

§ 229. Incarcerated individual visiting rights. 1. No incarcerated individual shall be strip searched before or after visiting unless the incarcerated individual voluntarily chooses to be strip searched in lieu

of going through a body scanner or other alternative search method. Any incarcerated individual voluntarily undergoing a strip search shall be required to provide written consent.

2. Incarcerated individuals shall not have visiting rights revoked, nor be denied contact visits, as a consequence of any infraction nor for any reason other than an emergency.

3. All visiting rights set forth in this article shall apply to incarcerated individuals housed in all units, including segregated confinement.

4. The department or local correctional facility shall provide incarcerated individuals with a personal tablet to have in their cell or cube that can be used to make personal video calls free of charge to supplement in-person visits.

§ 230. Investigations and appeals. 1. Internal investigations related to the recovery of contraband from a visitor or an incarcerated individual shall be concluded by the department or local correctional facility within three weeks of recovering such contraband. Upon conclusion of any such investigation, a written explanation shall be sent to the visitor or incarcerated individual containing the outcome of the investigation and a detailed, non-conclusory description of the investigation, including information about: the alleged contraband; any evidence collected in the investigation; and any consultation with a radiologist, if applicable. A visitor or incarcerated individual may submit an appeal to any decision made by the department or local correctional facility no later than three weeks after the written explanation was sent to the visitor or incarcerated individual. Such appeal shall be reviewed by a high-level employee and shall be conducted through an appeals hearing as set forth by department or local correctional facility procedures. The high-level employee shall issue a decision on such appeal within two weeks of submission of such appeal and such decision shall be sent to the visitor or incarcerated individual within one week of the decision.

2. Where applicable, video and audio footage of the interaction with the visitor or incarcerated individual taken by body-worn or stationary cameras and body scan images shall be made available upon request of the visitor and/or their lawyer if the visitor or incarcerated individual wishes to appeal a decision, suspension or limitation on visiting. Such video footage or body scan images shall be made available to the visitor, incarcerated individual, and/or their lawyer within two weeks of the request for such footage or images.

§ 231. Visit suspensions. 1. No visitor or incarcerated individual shall be suspended from contact visits for a period of time beyond the day in which such a visit is denied.

2. Any visit suspension issued or in effect prior to the effective date of this article shall be revoked upon the effective date of this article and visitation shall immediately be reinstated, subject to the provisions of this article.

3. All previously suspended visitors and incarcerated individuals whose visiting rights were suspended prior to the effective date of this article shall receive notification that their visiting rights have been reinstated, along with notification of the provisions in this article, adjusted for brevity, within thirty days of the effective date of this article. Such notification shall be provided to incarcerated individuals and the suspended visitor at such visitors' address on file.

§ 232. Employee training and discipline. 1. Employees who process visitors, staff visiting rooms, or operate any security machines or equipment shall be required to complete visiting training annually. Such

training shall include trauma-informed approaches to interacting with visitors, children, and incarcerated individuals, as well as comprehensive training on the operation of body scanners.

2. Employees found, through the appeals process set forth by the department or local correctional facility, to have wrongfully or unfairly engaged in a pattern of denying contact or non-contact visits to a visitor or incarcerated individual, or engaged in the mistreatment of visitors, shall be temporarily reassigned to another part of the correctional facility while completing appropriate training.

3. Upon completion of such appropriate training, the employee may be reassigned to visitor processing. Employees subsequently found to have repeatedly denied contact visits to a visitor or incarcerated individual based solely on a body scan, engaged in other misconduct of visitor processing, or who did not follow the guidelines set forth in this article, shall be permanently reassigned from visitor processing and/or staffing visiting rooms and shall be subject to an investigation and subsequent discipline for misconduct.

§ 233. Emergencies; suspension of visits. 1. A state or local correctional facility shall not suspend or limit visits in any manner except as authorized pursuant to this article; provided, however, that visits may be suspended or limited due to an emergency, as defined in section two hundred twenty of this article.

2. Any declared emergency, and any restrictions on visits due to a declared emergency, shall:

(a) be limited to the minimum amount of time necessary to respond to the emergency;

(b) be limited to as few correctional facilities and as few areas within correctional facilities as necessary;

(c) impact as few people as possible; and

(d) be as limited in scope as possible.

3. Except for emergencies involving a mass contagion, no emergency or restriction as a result of an emergency shall last for longer than seven days. The department or local municipality shall not declare another emergency unless a new independent event that meets the criteria of an emergency has taken place. In the event of an emergency involving a mass contagion, no emergency and no restriction as a result of an emergency shall last longer than health officials declare necessary to respond to the emergency.

4. For any public health or mass contagion emergency, the department or local correctional facility shall consult with the department of health to determine necessary actions to return to pre-emergency standards of visiting and to provide guidance on how visiting can be safely offered prior to a full resumption of pre-emergency standards of visiting in accordance with this article.

5. The department or local correctional facility shall take immediate steps to mitigate the effects of an emergency on visits and shall implement temporary protocols which allow for the partial or complete restoration of visits in accordance with this article. The department or local correctional facility shall fully restore visits in accordance with this article upon the conclusion of the emergency or at such time as it is no longer necessary to suspend or limit visits due to such emergency, whichever is earlier.

6. In the event visits are suspended during an emergency, the department or local correctional facility shall provide access to video calls and letter writing materials, including paper, envelopes, and stamps,

free of charge, while the department or local correctional facility takes steps to restore in-person visits.

7. The declaration of an emergency by the department or a local correctional facility shall be published on the department's or local municipality's website no later than six hours after the start of the emergency and shall be updated daily, in a written statement that includes:

(a) The time and date of the declaration of an emergency;

(b) The reason for declaring an emergency;

(c) The portion or portions of a correctional facility impacted by the emergency;

(d) Whether, to the department or local correctional facility's knowledge, an outside agency, department, or authority has also declared an emergency and a citation to any such declaration; and

(e) The expected duration of the emergency, steps being taken to mitigate the effects of the emergency on visits, any temporary protocols which allow for the partial or complete restoration of visits in accordance with this article, and the expected timeframe for return to pre-emergency standards of visiting and how such return will be achieved.

8. The department or local correctional facility shall conduct a review of the state of the emergency and update the declaration of emergency daily. When the emergency no longer exists or no longer necessitates limitations on visits, visiting shall be restored to pre-emergency standards of visiting as set forth in this article.

9. Any declaration of emergency made by the department shall be submitted to the governor and the senate and assembly corrections committees within six hours after such declaration of the emergency.

§ 234. Reporting. 1. The department or municipality of a local correctional facility shall publish public annual reports on its website, disaggregated by correctional facility, which shall include:

(a) the number of visitors;

(b) the number of visitors that were denied contact visits and the reasons for such denials;

(c) the length of time of each visit, broken down by the number of visits that lasted between zero to one hour, one to three hours, three to four hours, and four plus hours;

(d) the number of times body scanner equipment was used on individuals detained in or visiting a correctional facility upon intake, before a visit, after a visit, and upon the suspicion of contraband, as well as any other event that triggers the use of such equipment, and the average, median, and highest number of times such equipment was used on any individual detained in or visiting the correctional facility, along with corresponding exposure levels;

(e) any incidents, injuries or illnesses resulting from the use of body scanning equipment or reported by persons scanned by such equipment;

(f) the number of appeals that were requested pursuant to this article and the outcomes of such appeals;

(g) the number of times contraband was recovered, with specification of the types of contraband recovered;

(h) the number of complaints received in regard to visiting and the nature of such complaints;

(i) the number of employees who were required to complete visitor processing training, in addition to the annual visiting training, as a result of complaints from visitors;

(j) the number of employees that received disciplinary action due to visiting misconduct and a description of such misconduct;

(k) the number of employees that were permanently removed from processing visitors and the reason why such employees were removed;

(l) the number of employees processing visitors;

(m) the number of employees stationed in search areas after visits;

(n) the number of employees stationed inside visiting rooms; and

(o) all emergency related suspensions or limitations on visiting in any manner to be less than the requirements of this article.

2. The commission shall conduct a study to research and make recommendations on approaches to safely reducing contraband and how to improve the accuracy and safety of visitor processing in state and local correctional facilities. Such study shall include participation and input from formerly incarcerated individuals, loved ones of incarcerated individuals, non-profit representatives that provide services to incarcerated individuals, and lawyers who work within the criminal justice field. The study shall research the minimum and maximum number of employees processing visitors and staffing visiting rooms needed in proportion to the number of incarcerated individuals and the average number of visitors and the commission shall make recommendations based on the findings of such study.

§ 235. Right to bring an action. Any incarcerated individual in a correctional facility and any person who visited or attempted to visit an incarcerated individual in a correctional facility shall have a right to bring an action in state court based on any violation of this article and may seek: (i) to enjoin such violation; (ii) to obtain a declaratory judgment; (iii) to recover monetary damages; and (iv) any other relief deemed appropriate by the court.

§ 236. Law to be posted. A copy of this law shall be adjusted for brevity and posted in the visitor processing area of each correctional facility, and in common spaces inside each correctional facility in the top three languages spoken by incarcerated individuals and visitors at or visiting such facility, and shall be visible to visitors to and employees at all times.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.