

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 767

H.P. 572

House of Representatives, February 12, 2019

An Act To Ensure the Availability of In-person Visitation in County Jails

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Senator BELLOWS of Kennebec and
Representatives: BAILEY of Saco, BEEBE-CENTER of Rockland, HEPLER of Woolwich,
MARTIN of Greene, TEPLER of Topsham, WARREN of Hallowell, Senators: CARPENTER
of Aroostook, DESCHAMBAULT of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 30-A MRSA §1556-A** is enacted to read:

3 **§1556-A. Visitation**

4 Except as otherwise provided in this section, and subject to any conditions and
5 limitations required for the safety and security of a county jail as determined on a case-
6 by-case basis by the sheriff of the county jail, the sheriff shall provide for in-person
7 visitation between a prisoner and a visitor of the prisoner.

8 **1. Video-only visitation.** Upon a determination by the sheriff of a county jail that
9 in-person visitation between a particular prisoner and a visitor of the prisoner may
10 jeopardize the safety and security of the jail, the sheriff may restrict that prisoner to
11 video-only visitation. Upon a determination by the sheriff that the jail facility is unable to
12 provide a safe and secure location for any in-person visitation, the sheriff, on a short-term
13 basis only, may restrict all visitation at the jail to video-only visitation.

14 **2. Contact visitation.** Subject to any conditions and limitations required for the
15 safety and security of a county jail as determined on a case-by-case basis by the sheriff,
16 the sheriff shall provide opportunities for in-person visitation involving physical contact
17 between a prisoner and a visitor of the prisoner, unless the sheriff determines that the jail
18 facility is unable to provide a safe and secure location for any in-person visitation
19 involving physical contact.

20 **SUMMARY**

21 This bill requires the sheriff of a county jail to provide for in-person visitation
22 between a prisoner and a visitor of the prisoner, subject to any conditions and limitations
23 required for the safety and security of the jail as determined on a case-by-case basis by
24 the sheriff. The bill authorizes a sheriff to restrict a particular prisoner to video-only
25 visitation upon a determination that allowing in-person visitation for that prisoner may
26 jeopardize the safety and security of the jail. The bill also requires the sheriff to provide
27 opportunities for in-person visitation involving physical contact between a prisoner and a
28 visitor of the prisoner, subject to any conditions and limitations required for the safety
29 and security of the jail as determined on a case-by-case basis by the sheriff.