§3001-A. Boards of visitors

1. Appointment. Except as provided in paragraph H, the Governor shall appoint a board of 7 visitors for each correctional facility under the department, as authorized by Title 5, section 12004-I, subsection 5.

A. The terms of the members of the boards of visitors are for 3 years. [PL 2005, c. 683, Pt. B, §26 (NEW).]

B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms. [PL 2005, c. 683, Pt. B, §26 (NEW).]

C. A member of the Legislature or an employee of the department may not serve on any board of visitors. [PL 2005, c. 683, Pt. B, §26 (NEW).]

D. At least one member of each board must be a person licensed by this State to provide mental health services. [PL 2005, c. 683, Pt. B, §26 (NEW).]

E. Each member of the boards of visitors must be compensated according to the provisions of Title 5, chapter 379. [PL 2005, c. 683, Pt. B, §26 (NEW).]

F. The Governor shall appoint a chair from the membership. [PL 2005, c. 683, Pt. B, §26 (NEW).]

G. At least one member of each board of visitors must have been incarcerated in a correctional facility. [PL 2023, c. 383, §2 (NEW).]

H. If a vacancy occurs within a board of visitors, the commissioner shall provide notice to the Governor, the President of the Senate and the Speaker of the House of Representatives within 5 days of the vacancy. A vacancy on a board of visitors under this section must be filled by the Governor within 90 days of the notice of vacancy. If the Governor fails to appoint a member within 90 days of the notice of vacancy, the President of the Senate and the Speaker of the House of Representatives shall jointly appoint a member to fill the vacancy pursuant to this subsection. [PL 2025, c. 765, §1 (NEW).]

[PL 2025, c. 765, §1 (AMD).]

1-A. Boards of visitors for women's services; membership. The Governor shall appoint boards of visitors for women's services to inspect correctional facilities housing female clients and, with regard to female clients, perform the duties assigned to boards of visitors appointed pursuant to subsection 1. Boards of visitors for women's services shall ensure that the incarceration of and services provided to female clients are designed to meet their gender identity needs and reflect best practices established for such incarceration and services. Boards of visitors for women's services are otherwise subject to the same requirements and responsibilities under this section as a board of visitors appointed pursuant to subsection 1, except that, in addition to the member described in subsection 1, paragraph D, a board of visitors for women's services must include one member who was formerly incarcerated in the custody of the department and who has prior child welfare experience with the Department of Health and Human Services, Office of Child and Family Services, one member who represents a health care provider that provides sexual and reproductive health care and education, one member who is a health care practitioner who provides sexual and reproductive health care and education to women and one member who has an understanding of or experience with domestic violence.

[PL 2021, c. 620, §5 (NEW).]

2. Duties. Boards of visitors have the following duties.

A. Each board of visitors shall inspect the correctional facility to which it is assigned. Each board of visitors must be provided open access to all physical areas of the correctional facility, including access to areas housing clients. Each board of visitors must be provided the opportunity to speak to clients and to staff. Members of the board shall comply with all departmental policies and

procedures and facility security practices regarding access to the correctional facility, shall adhere to all federal and state law regarding confidentiality and shall refer concerns or complaints regarding specific individuals to the chief administrative officer or advocate. [PL 2005, c. 683, Pt. B, §26 (NEW).]

B. Each board of visitors shall review the management of the correctional facility to which it is assigned to determine whether that management is consistent with the philosophy, mission and policy goals of the department and facility. On or before February 15th of each calendar year, each board of visitors shall prepare an annual report including its recommendations and shall provide copies of its report to the chief administrative officer of the facility, the commissioner and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The commissioner shall provide copies with the department's response to the reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters within one month of receiving the annual reports. [PL 2023, c. 383, §3 (AMD).]

C. Each board of visitors shall appear before the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters upon request. [PL 2005, c. 683, Pt. B, §26 (NEW).]

D. Each board of visitors shall meet regularly and tour the correctional facility to which it is assigned at least 4 times a year. At each meeting, a board of visitors may request and must receive information from the chief administrative officer that the board determines will assist in the review of the management of the facility. To the extent that a board of visitors is not discussing matters made confidential by federal or state law, a meeting of the board is a public proceeding and must be conducted in accordance with Title 1, section 403. Boards of visitors may meet jointly. [PL 2023, c. 383, §4 (AMD).]

E. Each board of visitors shall share copies of that board's annual report with the other boards. [PL 2005, c. 683, Pt. B, §26 (NEW).]

[PL 2023, c. 383, §§3, 4 (AMD).]

3. Visit to correctional facilities and communications with clients and staff. A member of a board of visitors may visit the correctional facility to which that board is assigned and may speak with clients and with staff. The member shall comply with all departmental policies and procedures and facility security practices regarding access to the correctional facility, shall adhere to all federal and state law regarding confidentiality and shall refer concerns or complaints regarding specific individuals to the chief administrative officer or advocate.

[PL 2005, c. 683, Pt. B, §26 (NEW).]

4. Volunteer activities. Volunteer activities of a member of a board of visitors may be proscribed by departmental policies regarding volunteer activities generally.

[PL 2005, c. 683, Pt. B, §26 (NEW).]

5. Orientation and training. A board of visitors must receive annual training, including:

A. Facilities orientation, including a tour of the correctional facility to which the board of visitors is assigned, explanation of the facility command structure and receipt of standards of the American Correctional Association or successor organization, facility client handbooks, volunteer policies and board of visitors policies; [PL 2023, c. 383, §5 (NEW).]

B. Review of the federal Americans with Disabilities Act of 1990 and guidance concerning domestic violence, substance use disorder including opioids, behavioral health and adverse childhood trauma; [PL 2023, c. 383, §5 (NEW).]

C. A list and explanation of available community resources; [PL 2023, c. 383, §5 (NEW).]

D. The legal requirements of this section; and [PL 2023, c. 383, §5 (NEW).]

E. Training on any other subject as determined by the commissioner or chair of the board of visitors. [PL 2023, c. 383, §5 (NEW).]

[PL 2023, c. 383, §5 (NEW).]

SECTION HISTORY

PL 2005, c. 683, §B26 (NEW). PL 2021, c. 620, §5 (AMD). PL 2023, c. 383, §§2-5 (AMD). PL 2025, c. 765, §1 (AMD).

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