

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0013.01 Michael Dohr x4347

HOUSE BILL 22-1063

HOUSE SPONSORSHIP

Amabile and Benavidez,

SENATE SPONSORSHIP

Coleman and Cooke,

House Committees

Judiciary
Legislative Council
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CREATION OF A JAIL STANDARDS COMMISSION TO**
102 **STANDARDIZE THE OPERATION OF COLORADO JAILS, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the Colorado jail standards commission (commission) in the department of public safety. The commission creates standards for the operation of Colorado's county jails (jails) and updates the standards as necessary. The commission consists of the following 20 members:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 29, 2022

- 5 sheriffs or senior jail administrators;
- 2 county commissioners;
- 3 people with lived experience of being incarcerated or having a family member who is or was incarcerated in a jail;
- One mental health professional with experience working in a jail;
- One health professional with experience working in a jail;
- One person representing a lesbian, gay, bisexual, transgender, or queer advocacy organization;
- One person representing an organization advocating for the rights of people with disabilities;
- One person representing an organization advocating for the rights of communities of color;
- One person representing an organization advocating for the rights of persons with mental or physical disabilities;
- One non-law-enforcement person with experience working in a jail, appointed by the executive director of the department of public safety;
- The state public defender or the state public defender's designee;
- One district attorney, appointed by the Colorado district attorneys' council; and
- One person representing the department of public safety with expertise in jail operations.

The commission shall develop standards for all aspects of jail operations as follows:

- Reception and release;
- Classification of inmates;
- Security;
- Housing;
- Sanitation and environmental conditions;
- Communication;
- Visitation;
- Health care, mental and behavioral health care, and dental care;
- Food service;
- Recreation and programming;
- Inmate disciplinary processes;
- Restrictive housing;
- Inmate grievances;
- Staffing; and
- Inmates' prerogatives.

The commission shall establish standards regarding oversight of the standards; compliance with the standards, including a requirement for

a biennial compliance inspection of each jail; a complaint process and investigation process; and possible sanctions for noncompliance with or violations of the standards. The department of public safety shall promulgate rules adopting the standards and possible sanctions.

The department of public safety shall provide oversight of the implementation of the standards. The commission shall evaluate the effectiveness of the standards after implementation and make any needed changes to the standards.

The bill sunsets the commission on September 1, 2029.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 19 to article
3 3 of title 2 as follows:

PART 19

COLORADO JAIL STANDARDS COMMISSION

2-3-1901. Legislative oversight committee for Colorado jail

7 standards - creation - duties. (1) Creation. (a) THERE IS CREATED A
8 LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING COLORADO JAIL
9 STANDARDS, REFERRED TO IN THIS PART 19 AS THE "COMMITTEE".

10 (b) THE COMMITTEE CONSISTS OF SIX MEMBERS. THE PRESIDENT
11 OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF
12 THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE
13 HOUSE OF REPRESENTATIVES SHALL APPOINT THE MEMBERS OF THE
14 COMMITTEE AS FOLLOWS:

15 (I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS
16 TO SERVE ON THE COMMITTEE AND DESIGNATE ONE OF THE SENATORS AS
17 THE VICE-CHAIR OF THE COMMITTEE, AND THE MINORITY LEADER OF THE
18 SENATE SHALL APPOINT ONE SENATOR TO SERVE ON THE COMMITTEE;

19 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
20 APPOINT TWO REPRESENTATIVES TO SERVE ON THE COMMITTEE AND

1 DESIGNATE ONE OF THE REPRESENTATIVES AS THE CHAIR OF THE
2 COMMITTEE, AND THE MINORITY LEADER OF THE HOUSE OF
3 REPRESENTATIVES SHALL APPOINT ONE REPRESENTATIVE TO SERVE ON THE
4 COMMITTEE;

5 (III) THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF
6 THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE
7 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL MAKE THEIR
8 APPOINTMENTS BY JULY 1, 2022. IN THE CASE OF A VACANCY, THE PERSON
9 MAKING THE ORIGINAL APPOINTMENT OR REAPPOINTMENT SHALL FILL ANY
10 VACANCY BY APPOINTMENT.

11 (c) (I) MEMBERS OF THE COMMITTEE MAY RECEIVE PAYMENT OF
12 PER DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES
13 AUTHORIZED PURSUANT TO SECTION 2-2-307.

14 (II) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
15 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL
16 SUPPLY STAFF ASSISTANCE TO THE COMMITTEE, BUT SHALL NOT SUPPLY
17 STAFF ASSISTANCE TO ANY SUBCOMMITTEES CREATED BY THE COMMITTEE.

18 (2) **Duties.** (a) THE COMMITTEE SHALL MEET NO MORE THAN FOUR
19 TIMES EACH YEAR.

20 (b) THE COMMITTEE IS RESPONSIBLE FOR THE OVERSIGHT OF THE
21 COMMISSION. THE CHAIR OF THE COMMITTEE SHALL ESTABLISH
22 ORGANIZATIONAL RULES AND PROCEDURAL RULES AS ARE NECESSARY FOR
23 THE OPERATION OF THE COMMISSION.

24 (c) THE COMMITTEE MAY INTRODUCE UP TO A TOTAL OF THREE
25 BILLS, JOINT RESOLUTIONS, OR CONCURRENT RESOLUTIONS DURING THE
26 2024 LEGISLATIVE SESSION. BILLS THAT THE COMMITTEE INTRODUCES ARE
27 EXEMPT FROM THE FIVE-BILL LIMITATION SPECIFIED IN RULE 24 (b)(1)(A)

1 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

2 JOINT RESOLUTIONS AND CONCURRENT RESOLUTIONS THAT THE

3 COMMITTEE INTRODUCES ARE EXEMPT FROM THE LIMITATIONS SET OUT IN

4 RULE 26 (g) OF THE RULES OF THE HOUSE OF REPRESENTATIVES AND RULE

5 30 (f) OF THE RULES OF THE SENATE. THE COMMITTEE IS EXEMPT FROM

6 THE REQUIREMENT TO REPORT BILLS OR OTHER MEASURES TO THE

7 LEGISLATIVE COUNCIL AS SPECIFIED IN RULE 24 (b)(1)(D) AND RULE 24A

8 (d)(8) OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF

9 REPRESENTATIVES AND IN SECTION 2-3-303 (1)(f), COLORADO REVISED

10 STATUTES. THE COMMITTEE IS SUBJECT TO RULE 24A OF THE JOINT RULES

11 OF THE SENATE AND HOUSE OF REPRESENTATIVES, EXCEPT TO THE EXTENT

12 THAT THE RULE MAY CONFLICT WITH THIS PART 19. BILLS RECOMMENDED

13 BY THE COMMITTEE MUST BE INTRODUCED BY THE INTRODUCTION

14 DEADLINE FOR HOUSE BILLS SPECIFIED IN RULE 23 (a)(1) OF THE JOINT

15 RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES. THE CHAIR AND

16 VICE-CHAIR SHALL JOINTLY ESTABLISH THE LAST DATE FOR THE MEETING

17 AT WHICH THE COMMITTEE MAY APPROVE BILL REQUESTS, THE LAST DATE

18 BY WHICH COMMITTEE MEMBERS MUST FINALIZE BILL DRAFTS OR BY

19 WHICH BILL DRAFTS WILL BE DEEMED FINALIZED FOR FISCAL NOTE

20 PURPOSES, AND THE LAST DATE BY WHICH THE COMMITTEE WILL CONSIDER

21 AND TAKE FINAL ACTION ON BILL DRAFTS.

22 (d) THE COMMITTEE SHALL RECEIVE AND APPROVE THE REPORT OF

23 THE COMMISSION REQUIRED BY SECTION 2-3-1903 (2).

24 **2-3-1902. Colorado jail standards commission - creation -**

25 **membership.** (1) THE COLORADO JAIL STANDARDS COMMISSION IS

26 CREATED AND REFERRED TO IN THIS PART 19 AS THE "COMMISSION".

27 THE COMMISSION SHALL RECOMMEND STANDARDS FOR THE SAFE AND

1 EFFECTIVE OPERATION OF COLORADO'S COUNTY JAILS, REFERRED TO IN
2 THIS PART 19 AS "JAILS".

3 (2) THE COMMISSION IS COMPOSED OF THE FOLLOWING
4 TWENTY-TWO MEMBERS:

5 (a) FIVE SHERIFFS OR SENIOR JAIL ADMINISTRATORS, APPOINTED BY
6 THE STATEWIDE ORGANIZATION REPRESENTING COUNTY:

7 (I) ONE FROM A COUNTY IN EACH COUNTY CATEGORY I-IV, AS
8 DEFINED BY SECTION 30-2-102; AND

9 (II) ONE FROM EITHER A CATEGORY V OR CATEGORY VI COUNTY,
10 AS DEFINED BY SECTION 30-2-102;

11 (b) TWO COUNTY COMMISSIONERS, APPOINTED BY THE STATEWIDE
12 ORGANIZATION REPRESENTING COUNTY COMMISSIONERS:

13 (I) ONE FROM EITHER A COUNTY CATEGORY I OR II COUNTY, AS
14 DEFINED BY SECTION 30-2-102; AND

15 (II) ONE FROM A CATEGORY III, IV, V, OR VI COUNTY, AS DEFINED
16 BY SECTION 30-2-102;

17 (c) THREE PERSONS WITH LIVED EXPERIENCE OF BEING
18 INCARCERATED OR HAVING A FAMILY MEMBER WHO IS OR WAS
19 INCARCERATED IN A JAIL, APPOINTED BY A STATEWIDE ORGANIZATION
20 ADVOCATING FOR THE RIGHTS OF THE INCARCERATED IN COLORADO;

21 (d) ONE MENTAL HEALTH PROFESSIONAL WITH EXPERIENCE
22 WORKING IN A JAIL, APPOINTED BY A STATEWIDE ORGANIZATION
23 ADVOCATING FOR MENTAL HEALTH IN COLORADO;

24 (e) ONE PERSON REPRESENTING COMPETENCY SERVICES,
25 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
26 SERVICES;

27 (f) ONE PERSON REPRESENTING THE BEHAVIORAL HEALTH

1 ADMINISTRATION, APPOINTED BY THE COMMISSIONER OF THE BEHAVIORAL
2 HEALTH ADMINISTRATION;

3 (g) ONE PERSON REPRESENTING POLICE OFFICERS, APPOINTED BY
4 THE PRESIDENT OF A STATEWIDE ORGANIZATION REPRESENTING POLICE
5 OFFICERS;

6 (h) ONE PERSON REPRESENTING A LESBIAN, GAY, BISEXUAL,
7 TRANSGENDER, OR QUEER ADVOCACY ORGANIZATION, APPOINTED BY A
8 STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS OF THE
9 INCARCERATED IN COLORADO;

10 (i) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING
11 FOR THE RIGHTS OF PEOPLE WITH DEVELOPMENTAL DISABILITIES,
12 APPOINTED BY A STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS
13 OF THE INCARCERATED IN COLORADO;

14 (j) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING
15 FOR THE RIGHTS OF PEOPLE OF COLOR, APPOINTED BY A STATEWIDE
16 ORGANIZATION ADVOCATING FOR THE RIGHTS OF THE INCARCERATED IN
17 COLORADO;

18 (k) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING
19 FOR THE RIGHTS OF PERSONS WITH MENTAL OR PHYSICAL DISABILITIES,
20 APPOINTED BY A STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS
21 OF THE INCARCERATED IN COLORADO;

22 (l) ONE NON-LAW-ENFORCEMENT PERSON WITH EXPERIENCE
23 WORKING IN A JAIL, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
24 DEPARTMENT OF PUBLIC SAFETY;

25 (m) THE STATE PUBLIC DEFENDER OR THE STATE PUBLIC
26 DEFENDER'S DESIGNEE;

27 (n) ONE PERSON REPRESENTING DISTRICT ATTORNEYS, APPOINTED

1 BY THE COLORADO DISTRICT ATTORNEYS' COUNCIL; AND
2 (o) ONE PERSON REPRESENTING THE DEPARTMENT OF PUBLIC
3 SAFETY WITH EXPERTISE IN JAIL OPERATIONS, APPOINTED BY THE
4 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

5 [REDACTED]

6 (3) THE INITIAL COMMISSION MEMBERS MUST BE APPOINTED BY
7 JULY 1, 2022.

8 (4) THE FIRST MEETING OF THE COMMISSION MUST BE HELD BY
9 JULY 31, 2022. THE COMMISSION SHALL MEET MONTHLY. THE CHAIR OF
10 THE COMMITTEE SHALL APPOINT A CHAIR AND VICE-CHAIR FROM AMONG
11 THE COMMISSION MEMBERS. THE CHAIR OF THE COMMISSION SHALL SET
12 THE MEETING DATES AND TIMES.

13 **2-3-1903. Commission - duties - report.** (1) THE COMMISSION
14 SHALL RECOMMEND STANDARDS IN COMPLIANCE WITH STATE AND
15 FEDERAL LAW FOR ALL ASPECTS OF JAIL OPERATIONS AS FOLLOWS:

16 (a) RECEPTION AND RELEASE, INCLUDING:

17 (I) IDENTIFYING THE ARRESTING, TRANSPORTING, OR COMMITTING
18 OFFICER;

19 (II) RECORDING INMATE INFORMATION IN A BOOKING AND
20 IDENTIFICATION RECORD FOR EVERY COMMITMENT;

21 (III) IDENTIFYING INMATES DURING RECEPTION BY PHOTOGRAPH,
22 IDENTIFICATION BRACELET, OR OTHER MEANS;

23 (IV) PROVIDING ACCESS TO TELEPHONES AFTER THE RECEPTION
24 PROCESS;

25 (V) SEARCHING, CONFISCATING, INVENTORYING, AND SECURING
26 OF UNAUTHORIZED ITEMS;

27 (VI) CONFISCATION, COUNTING, AND SECURING OF MONEY OR ANY

1 FORM OF CURRENCY;

2 (VII) SECURING THE INMATE'S SIGNATURE AND REQUIREMENTS

3 FOR WITNESS SIGNATURES ON A COMPLETED INVENTORY OF ITEMS AND

4 MONEY CONFISCATED;

5 (VIII) STRIP SEARCHES AND BODY CAVITY SEARCHES CONSISTENT

6 WITH COLORADO LAW;

7 (IX) DETERMINING WHEN AN INMATE SHOULD RECEIVE A SHOWER;

8 (X) PROVIDING INMATES WITH CLEAN UNIFORM CLOTHING OR

9 STANDARDS FOR WEARING PERSONAL CLOTHING;

10 (XI) THE AMOUNT OF TIME INMATES ARE CONFINED IN THE

11 RECEPTION AREA;

12 (XII) THE POSSESSION OF MONEY BY INMATES, INCLUDING

13 PROVISIONS TO PREVENT INMATE GAMBLING, THEFT, AND EXTORTION;

14 (XIII) PROVIDING INMATES WITH A LIST OF GENERALLY

15 APPLICABLE INMATE RULES;

16 (XIV) ASSISTING INMATES IN UNDERSTANDING THESE RULES IF

17 THERE ARE LITERACY OR LANGUAGE OBSTACLES;

18 (XV) OBTAINING SIGNED ACKNOWLEDGMENT FROM INMATES OF

19 RECEIPT AND UNDERSTANDING OF RULES;

20 (XVI) ENSURING THE SAFETY OF MALE, FEMALE, AND NONBINARY

21 INMATES DURING RECEPTION;

22 (XVII) VERIFYING INMATES' IDENTIFICATION AND RELEASE

23 DOCUMENTATION;

24 (XVIII) DOCUMENTING AN INMATE'S RELEASE TO ANOTHER

25 AGENCY;

26 (XIX) OBTAINING A RECEIPT FROM THE INMATE OR THE RECEIVING

27 OFFICER, AS APPROPRIATE, FOR ALL PROPERTY RETURNED AT THE TIME OF

1 RELEASE OR TRANSFER;

2 (XX) CONFINING JUVENILES WHEN PERMITTED BY COURT ORDER
3 PURSUANT TO SECTION 19-2.5-305;

4 (XXI) SCREENING AND ASSESSMENT FOR PHYSICAL DISABILITIES,
5 MENTAL OR BEHAVIORAL HEALTH DISORDERS, TRAUMATIC BRAIN INJURIES,
6 OR DEVELOPMENTAL DISABILITIES;

7 (XXII) PROVIDING ACCOMMODATIONS FOR PEOPLE WITH
8 DISABILITIES AS REQUIRED BY ALL APPLICABLE STATE AND FEDERAL LAW;
9 AND

10 (XXIII) CONSIDERING AGE AS A FACTOR IN THE CLASSIFICATION
11 OF INMATES;

12 (b) CLASSIFICATION OF INMATES, INCLUDING:

13 (I) A WRITTEN INMATE CLASSIFICATION SYSTEM THAT SPECIFIES
14 THE CRITERIA AND PROCEDURES FOR DETERMINING AND CHANGING THE
15 CLASSIFICATION OF INMATES TO DETERMINE THE LEVEL OF CUSTODY
16 REQUIRED, SPECIAL NEEDS, HOUSING ASSIGNMENT, AND PARTICIPATION IN
17 PROGRAMMING;

18 (II) HOUSING MALE, FEMALE, AND NONBINARY INMATES
19 SEPARATELY BY SIGHT AND TOUCH, AND OUT OF RANGE OF NORMAL
20 CONVERSATION WITH EACH OTHER;

21 (III) SUPERVISING MALE, FEMALE, AND NONBINARY INMATES
22 WHEN PLACED TOGETHER FOR PROGRAMMING, TRANSPORTATION, OR
23 OTHER SIMILAR ACTIVITIES;

24 (IV) HOUSING VIOLENT AND NONVIOLENT INMATES SEPARATELY;

25 (V) SUPERVISING VIOLENT AND NONVIOLENT INMATES WHEN
26 PLACED TOGETHER FOR PROGRAMMING, TRANSPORTATION, OR OTHER
27 SIMILAR ACTIVITIES;

1 (VI) HOUSING JUVENILE AND ADULT INMATES SEPARATELY;

2 (VII) SUPERVISING JUVENILE AND ADULT INMATES WHEN PLACED
3 TOGETHER FOR PROGRAMMING, DINING, TRANSPORTATION, OR OTHER
4 SIMILAR ACTIVITIES;

5 (VIII) ENSURING JUVENILE INMATES HAVE ACCESS TO
6 LARGE-MUSCLE EXERCISE, EDUCATION, WORK OPPORTUNITIES, AND OTHER
7 DEVELOPMENTALLY APPROPRIATE PROGRAMMING;

10 (X) HOUSING INMATES PARTICIPATING IN WORK OR EDUCATIONAL
11 RELEASE PROGRAMS SEPARATELY FROM THE GENERAL POPULATION; AND

12 (XI) ESTABLISHING THE ACCEPTABLE PERSONAL AND HYGIENE
13 ITEMS PROVIDED TO INMATES IN THE GENERAL POPULATION;

14 (c) SECURITY, INCLUDING:

15 (I) ESTABLISHING A SECURITY PERIMETER;

16 (II) ESTABLISHING A SECURE BOOKING AND RELEASE AREA;

17 (III) IF INSTALLED, ENSURING CLOSED-CIRCUIT TELEVISIONS ARE
18 OPERATIONAL AND PRECLUDE THE MONITORING OF SHOWER, TOILET, AND
19 CLOTHING EXCHANGE AREAS;

20 (IV) TWO-WAY COMMUNICATIONS BETWEEN CENTRAL CONTROL,
21 STAFFED POSTS, AND INMATE-OCCUPIED AREAS;

22 (V) HAVING EQUIPMENT NECESSARY TO MAINTAIN UTILITIES,
23 COMMUNICATIONS, SECURITY, LIFE-SAVING DEVICES, AND FIRE
24 PROTECTION IN AN EMERGENCY AND SCHEDULES TO TEST, REPAIR, AND
25 REPLACE EQUIPMENT IN A TIMELY MANNER;

26 (VI) PROCEDURES GOVERNING AVAILABILITY, CONTROL
27 INVENTORY, STORAGE, AND USE OF FIREARMS, LESS-THAN-LETHAL

1 DEVICES, AND RELATED SECURITY DEVICES AND SPECIFYING THE LEVEL OF
2 AUTHORITY REQUIRED FOR THEIR ACCESS AND USE;

3 (VII) USE OF AND AUTHORIZATION FOR CHEMICAL AGENTS AND
4 ELECTRICAL DISABLERS;

5 (VIII) RESTRICTIONS FOR ACCESS TO STORAGE AREAS;

6 (IX) SEPARATING STORAGE SPACE FROM INMATE HOUSING OR
7 ACTIVITY AREAS;

8 (X) ENSURING THE SAFETY OF MALE, FEMALE, AND NONBINARY
9 INMATES DURING RECEPTION;

10 (XI) INMATE SEARCHES WHEN INMATES ENTER OR LEAVE THE
11 JAIL'S SECURITY PERIMETER TO CONTROL CONTRABAND;

12 (XII) PROCEDURES AND PRACTICES GOVERNING STRIP AND BODY
13 CAVITY SEARCHES;

14 (XIII) EMERGENCY PLANS, INCLUDING TRAINING FOR JAIL
15 PERSONNEL IN THE IMPLEMENTATION OF EMERGENCY PLANS, AND
16 PROCEDURES TO BE FOLLOWED IN SITUATIONS THAT THREATEN JAIL
17 SECURITY;

18 (XIV) LOGGING ROUTINE INFORMATION, EMERGENCY SITUATIONS,
19 AND UNUSUAL INCIDENTS;

20 (XV) COUNTING TO VERIFY EACH INMATE'S PHYSICAL PRESENCE
21 AND IDENTIFICATION, INCLUDING THE NUMBER OF OFFICIAL DAILY COUNTS,
22 RECONCILIATION OF JAIL COUNTS, AND RECORDING OF JAIL COUNTS;

23 (XVI) PERSONAL OBSERVATION CHECKS OF INMATES, INCLUDING
24 REGULAR AND VARIABLE TIMING OF SUCH CHECKS AND DOCUMENTATION
25 OF SUCH CHECKS;

26 (XVII) POLICIES FOR ADDRESSING THE MANAGEMENT OF INMATES
27 WITH SPECIALIZED PHYSICAL AND MENTAL OR BEHAVIORAL HEALTH

1 NEEDS;

2 (XVIII) USE OF PHYSICAL AND MECHANICAL RESTRAINTS,
3 INCLUDING AUTHORIZING USE OF PHYSICAL RESTRAINTS AND MONITORING
4 AND RECORDING THE CHECKS OF INMATES IN RESTRAINTS;

5 (XIX) DEFINING JUSTIFIABLE SELF-DEFENSE, PREVENTING
6 SELF-INFILCTED HARM, PROTECTION OF OTHERS, RIOT PREVENTION,
7 DISCHARGE OF A FIREARM OR OTHER WEAPON, ESCAPE OR OTHER CRIME,
8 AND CONTROLLING OR SUBDING AN INMATE WHO REFUSES TO OBEY A
9 STAFF COMMAND OR ORDER;

10 (XX) DEFINING DE-ESCALATION STRATEGIES AND THE LIMITS OF
11 THE AMOUNT OF FORCE NECESSARY TO CONTROL A GIVEN SITUATION, AND
12 SPECIFYING THAT IN NO CIRCUMSTANCE IS PHYSICAL FORCE TO BE USED AS
13 PUNISHMENT;

14 (XXI) SPECIFYING THAT AN EXAMINATION, TREATMENT, AND
15 PHOTOGRAPHIC DOCUMENTATION BY QUALIFIED HEALTH-CARE PERSONNEL
16 IS PROVIDED TO INMATES OR STAFF INVOLVED IN A USE OF FORCE INCIDENT
17 WHEN THERE IS OBVIOUS PHYSICAL INJURY OR THERE IS A COMPLAINT OF
18 INJURY OR REQUEST FOR MEDICAL ATTENTION;

19 (XXII) SPECIFYING WHEN AND HOW AN INCIDENT WILL BE
20 RECORDED AND REVIEWED BY THE JAIL ADMINISTRATOR OR DESIGNEE;

21 (XXIII) SEARCHES OF JAILS AND INMATES TO CONTROL
22 CONTRABAND;

23 (XXIV) TIMING FOR INSPECTING INMATE-ACCESSIBLE AREAS;

24 (XXV) TIMING FOR A SECURITY INSPECTION OF THE JAIL;

25 (XXVI) NOTIFYING THE JAIL ADMINISTRATOR OR DESIGNEE OF
26 ANY DISCOVERED CONTRABAND OR PHYSICAL SECURITY DEFICIENCIES;

27 (XXVII) DOCUMENTING THE DISPOSITION OF CONTRABAND AND

1 THE REMEDIATION OF PHYSICAL SECURITY DEFICIENCIES;

2 (XXVIII) CONTROLLING INMATE MOVEMENT FROM ONE AREA TO

3 ANOTHER;

4 (XXIX) STAFF SUPERVISION AND SEARCHES OF AN INMATE

5 PERFORMING WORK;

6 (XXX) ENSURING AN INMATE IS NOT GIVEN CONTROL OF OR

7 AUTHORITY OVER ANY OTHER INMATE, SECURITY FUNCTION, OR SERVICE

8 ACTIVITY;

9 (XXXI) REQUIRING SAME-GENDER AND CROSS-GENDER

10 SUPERVISION GUIDELINES;

11 (XXXII) CONTROLLING AND INVENTORYING KEYS, TOOLS, AND

12 CULINARY EQUIPMENT;

13 (XXXIII) ENSURING TOXIC, CORROSIVE, AND FLAMMABLE

14 SUBSTANCES AND TOOLS ARE SECURED, USED ONLY BY AUTHORIZED

15 PERSONS, USED BY INMATES ONLY UNDER DIRECT SUPERVISION, AND USED

16 ONLY IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS; AND

17 (XXXIV) REQUIREMENTS THAT EACH JAIL HAVE POLICIES

18 GOVERNING STAFF DISCIPLINE, INCLUDING COMPLAINTS AGAINST

19 OFFICERS, THAT ARE AVAILABLE FOR PUBLIC INSPECTION;

20 (d) HOUSING, INCLUDING:

21 (I) SUFFICIENT SPACE STANDARDS REGARDING SQUARE FOOTAGE

22 AND MAXIMUM OCCUPANCY FIGURES FOR ALL HOUSING AND HOLDING

23 AREAS, INCLUDING HOLDING CELLS, HOUSING CELLS, DORMITORIES, DAY

24 ROOMS, AND EATING AREAS;

25 (II) SUFFICIENT SEATING FOR ALL HOLDING AREAS, HOLDING

26 CELLS, HOUSING CELLS, DORMITORIES, DAY ROOMS, AND EATING AREAS

27 FOR EACH INMATE;

- 1 (VI) INSPECTIONS BY LOCAL OR STATE HEALTH AUTHORITIES;
- 2 (VII) NIGHTTIME LIGHTING OF GROUNDS, WALKWAYS,
- 3 DRIVEWAYS, AND PARKING AREAS;

4 (VIII) INTERIOR LIGHTING STANDARDS;

5 (IX) BEDDING AND MATTRESS STANDARDS, INCLUDING THAT THE
6 BEDDING AND MATTRESS ARE IN GOOD REPAIR AND CLEANED PRIOR TO
7 BEING REISSUED;

8 (X) TIMING AND DOCUMENTATION FOR THE EXCHANGE AND
9 LAUNDERING OF BED LINENS, BLANKETS, TOWELS, CLOTHING, AND
10 UNDERGARMENTS;

11 (XI) TIMING TO CLEAN MATTRESSES;

12 (XII) A REQUIREMENT THAT WHEN SOILED, BEDDING,
13 MATTRESSES, TOWELS, AND CLOTHING BE EXCHANGED OR CLEANED;

14 (XIII) INMATE HAIRCUTS;

15 (XIV) SHAVING EQUIPMENT AND SUPPLIES AND DOCUMENTING
16 ISSUANCE AND RETRIEVAL OF SHAVING EQUIPMENT; AND

17 (XV) TIMING OF INSPECTION BY A CERTIFIED LOCAL OR STATE FIRE
18 SAFETY INSPECTOR APPLYING THE APPLICABLE JURISDICTIONAL AND STATE
19 FIRE CODE, REQUIREMENTS FOR A WRITTEN FIRE SAFETY PLAN APPROVED
20 BY LOCAL FIRE OFFICIALS THAT IS REVIEWED ANNUALLY AND UPDATED AS
21 NEEDED, REQUIREMENTS FOR TRAINING IN JAIL FIRE SAFETY EQUIPMENT,
22 REQUIREMENTS FOR FIRE DRILLS, REQUIREMENTS FOR JAIL FURNISHINGS TO
23 MEET FIRE SAFETY PERFORMANCE STANDARDS, AND REQUIREMENTS FOR
24 JAIL EXITS TO BE CLEAR AND THAT EVACUATION ROUTES BE POSTED OR
25 CLEARLY MARKED THROUGHOUT THE JAIL:

26 (f) COMMUNICATION, INCLUDING:

27 (I) DELIVERING INCOMING OR OUTGOING MAIL OR

1 CORRESPONDENCE VIA THE POSTAL SERVICE;

2 (II) OPENING AND INSPECTING INCOMING INMATE MAIL,

3 CORRESPONDENCE, AND PACKAGES TO INTERCEPT NONPERMITTED ITEMS;

4 (III) OPENING AND INSPECTING OUTGOING MAIL;

5 (IV) DOCUMENTING PROCEDURES FOR THE APPROPRIATE

6 DISPOSITION OF INTERCEPTED ITEMS;

7 (V) PERMITTING LEGAL MAIL OR CORRESPONDENCE TO BE OPENED

8 AND INSPECTED IN THE PRESENCE OF THE INMATE TO INTERCEPT

9 CONTRABAND;

10 (VI) CIRCUMSTANCES IN WHICH MAIL, CORRESPONDENCE, AND

11 PACKAGES ARE WITHHELD OR REJECTED, INCLUDING NOTIFICATION TO THE

12 INMATE;

13 (VII) WRITING MATERIALS, ENVELOPES, AND POSTAGE FOR

14 INDIGENT INMATES;

15 (VIII) INMATE E-MAIL SERVICE;

16 (IX) INMATE TELEPHONE SERVICE; AND

17 (X) ACCESS TO LEGAL COUNSEL;

18 (g) VISITATION, INCLUDING:

19 (I) A SECURE VISITING AREA, INCLUDING STANDARDS FOR

20 PHYSICALLY SEPARATING THE INMATE AND VISITOR AND CAPABILITIES FOR

21 TWO-WAY CONVERSATIONS AND NONOBSCURED VISITS OR VIDEO VISITS;

22 (II) SEATING IN THE VISITATION AREA;

23 (III) IDENTIFICATION REQUIREMENTS FOR VISITORS;

24 (IV) REGISTRY REQUIREMENTS FOR VISITORS;

25 (V) GENERAL VISITATION HOURS;

26 (VI) VIDEO VISITATIONS HOURS;

27 (VII) VISITOR SECURITY PROTOCOLS TO PREVENT CONTRABAND

1 FROM ENTERING THE JAIL;

2 (VIII) VISIT RESTRICTIONS BASED ON THREATS TO SAFETY OR
3 SECURITY;

4 (IX) MONITORING AND RECORDING VISITS, PHONE CALLS, AND
5 ELECTRONIC COMMUNICATIONS; AND

6 (X) PROFESSIONAL VISITS BY LEGAL COUNSEL [REDACTED] OR CLERGY,
7 INCLUDING MEASURES TO PROTECT CONFIDENTIALITY;

8 (h) HEALTH CARE, MENTAL AND BEHAVIORAL HEALTH CARE, AND
9 DENTAL CARE, INCLUDING:

10 (I) ALL LEVELS OF HEALTH CARE, MENTAL AND BEHAVIORAL
11 HEALTH CARE, AND DENTAL CARE THAT ASSURE QUALITY, ACCESSIBILITY,
12 AND TIMELY SERVICES FOR INMATES;

13 (II) ARRANGING CARE FROM AN APPROPRIATE OUTSIDE PROVIDER
14 WHEN CARE IS NOT AVAILABLE AT THE JAIL;

15 (III) REQUIRING THAT MEDICAL, MENTAL, AND BEHAVIORAL
16 HEALTH DECISIONS AND ACTIONS ARE MADE ONLY BY QUALIFIED
17 HEALTH-CARE AND MENTAL AND BEHAVIORAL HEALTH-CARE
18 PROFESSIONALS;

19 (IV) REQUIRING THAT AN INMATE IS NOT DENIED NECESSARY
20 CARE;

21 (V) REQUIRING THAT ALL EXAMINATIONS, TREATMENTS, AND
22 PROCEDURES ARE GOVERNED BY INFORMED CONSENT PRACTICES
23 APPLICABLE IN THE JAIL'S JURISDICTION;

24 (VI) REQUIRING THAT THE JAIL ASSESS THE HEALTH OF EACH
25 INMATE AT INTAKE AND ON AN ONGOING BASIS AND CREATE A PLAN TO
26 PROVIDE CONTINUITY OF CARE FOR INMATES WHO ARE BEING TREATED FOR
27 A HEALTH CONDITION;

4 (A) ADDRESSED IN A TIMELY MANNER;

5 (B) RECORDED AND MAINTAINED ON FILE; AND

6 (C) REVIEWED BY QUALIFIED HEALTH-CARE PERSONNEL WITH
7 TREATMENT OR FOLLOW-UP PROVIDED;

8 (VIII) DISPENSING AND ADMINISTERING PRESCRIBED
9 MEDICATIONS, INCLUDING:

10 (A) REQUIRING THAT HEALTH-TRAINED PERSONNEL OR
11 PROFESSIONALLY TRAINED PERSONNEL DISPENSE AND ADMINISTER
12 MEDICATIONS;

13 (B) REQUIRING ADEQUATE MANAGEMENT OF CONTROLLED
14 MEDICATIONS;

15 (C) PROVIDING MEDICATION TO INMATES IN SPECIAL
16 MANAGEMENT UNITS;

17 (D) REQUIRING THE APPLICABLE INFORMED CONSENT PRACTICES
18 IN THE JAIL'S JURISDICTION BE FOLLOWED; AND

19 (E) DEVELOPING A STANDARDIZED FORMULARY AND A PROCESS
20 FOR ACCESSING MEDICATIONS NOT LISTED WHEN MEDICALLY NECESSARY;

21 (IX) REDUCING SUICIDE BY IDENTIFYING AT-RISK INMATES AND
22 TRAINING STAFF MEMBERS ON HOW TO RECOGNIZE VERBAL AND
23 BEHAVIORAL CUES THAT INDICATE POTENTIAL SUICIDE AND HOW TO
24 RESPOND APPROPRIATELY;

25 (X) PROVIDING INFECTIOUS DISEASE CONTROL;

26 (XI) PROVIDING CARE FOR PREGNANT INMATES; AND

27 (XII) ASSESSING AND REPORTING INMATE DEATHS;

1 (i) FOOD SERVICE, INCLUDING:
2 (I) NUTRITIONAL STANDARDS;
3 (II) TIMING AND FREQUENCY OF MEALS;
4 (III) SPECIAL DIETS; AND
5 (IV) SAFE STORAGE AND PREPARATION OF FOOD;
6 (j) RECREATION AND PROGRAMMING, INCLUDING:
7 (I) REGULAR ACCESS TO EXERCISE AND EQUIPMENT FOR INMATES;
8 (II) TELEVISION VIEWING AND TABLE GAMES;
9 (III) READING MATERIALS;
10 (IV) TREATMENT FOR ALCOHOL AND DRUG ABUSE;
11 (V) ACADEMIC TRAINING;
12 (VI) PSYCHOLOGICAL AND SOCIAL SERVICES AND OTHER
13 COMMUNITY SERVICES; AND
14 (VII) RELIGIOUS PRACTICE;
15 (k) INMATE DISCIPLINARY PROCESSES, INCLUDING:
16 (I) STANDARDS FOR RESTRICTIVE HOUSING;
17 (II) PROHIBITED ACTS OR CONDUCT, DEGREES OF VIOLATIONS,
18 RANGES OF PENALTIES, AND DISCIPLINARY HEARING PROCEDURES;
19 (III) A SANCTION SCHEDULE FOR RULE VIOLATIONS;
20 (IV) ESTABLISHING FUNDAMENTAL RIGHTS FOR INMATES THAT
21 CANNOT BE SUSPENDED EXCEPT IN AN EMERGENCY OR OTHER CONDITION
22 BEYOND THE CONTROL OF THE JAIL ADMINISTRATOR;
23 (V) BANNING THE USE OF CORPORAL PUNISHMENT, DISCIPLINE
24 ADMINISTERED BY INMATES, AND WITHHOLDING FOOD FROM INMATES;
25 (VI) CIRCUMSTANCES UNDER WHICH A DISCIPLINARY HEARING IS
26 CONDUCTED;
27 (VII) PRE-DISCIPLINARY HEARING REQUIREMENTS;

1 (VIII) ESTABLISHING A MINIMUM PERIOD AFTER RECEIVING
2 WRITTEN NOTIFICATION OF A RULE VIOLATION TO ALLOW AN INMATE TO
3 PREPARE FOR THE DISCIPLINARY HEARING;

4 (IX) DISCIPLINARY HEARING REQUIREMENTS THAT INCLUDE
5 ENSURING DUE PROCESS PROTECTIONS ARE AFFORDED; AND

6 (X) THE OPPORTUNITY TO APPEAL DISCIPLINARY ACTIONS TO THE
7 JAIL ADMINISTRATOR OR DESIGNEE;

8 (1) RESTRICTIVE HOUSING, INCLUDING:

11 (II) BANNING THE USE OF RESTRICTIVE HOUSING AS A PENALTY:

12 (III) CIRCUMSTANCES WHEN RESTRICTIVE HOUSING MAY BE USED
13 TO SEPARATE AN INMATE FROM THE GENERAL POPULATION;

14 (IV) WRITTEN NOTIFICATIONS OF RESTRICTIVE HOUSING TO THE
15 INMATE; AND

16 (V) TIMING FOR REVIEW OF RESTRICTIVE HOUSING:

17 (m) INMATE GRIEVANCES, INCLUDING:

18 (I) ESTABLISHING A WRITTEN GRIEVANCE PROCEDURE FOR
19 INMATES WITH AT LEAST ONE LEVEL OF APPEAL; AND

20 (II) PROHIBITING RETALIATION BY STAFF BASED ON AN INMATE
21 GRIEVANCE:

22 (n) JAIL STAFFING, INCLUDING:

23 (I) QUALIFICATIONS FOR STAFF TO SUPERVISE AND CONTROL
24 INMATES:

25 (II) PRE-EMPLOYMENT BACKGROUND CHECKS:

26 (III) STANDARDIZED PERFORMANCE REVIEWS:

27 (IV) STAFFING PLANS;

- 1 (V) POSTS AND FUNCTIONS;
- 2 (VI) GENDER OF STAFF;
- 3 (VII) REVIEW OF STAFFING PLANS;
- 4 (VIII) REQUIRING REVIEW OF THE STAFFING PLANS AT LEAST ONCE
- 5 A YEAR BY THE JAIL ADMINISTRATOR AND REVISED AS NEEDED;

- 6 (IX) VOLUNTEER POLICIES;
- 7 (X) CODE OF ETHICS; AND
- 8 (XI) STAFF TRAINING STANDARDS FOR ALL LEVELS OF EMPLOYEES;

9 AND

10 (o) INMATE PREROGATIVES REGARDING:

11 (I) EXPRESSION AND COMMUNICATION;

12 (II) RELIGIOUS PRACTICE;

13 (III) ACCESS TO THE COURTS;

14 (IV) ACCESS TO LEGAL COUNSEL, INCLUDING THE ABILITY FOR

15 LEGAL COUNSEL TO CONTACT A CLIENT BY SCHEDULING A TELEPHONE OR

16 VIDEO MEETING;

17 (V) ACCESS TO LEGAL MATERIALS AND DISABILITY RIGHTS;

18 (VI) ACCESS TO THE MEDIA;

19 (VII) STANDARDS FOR WHEN ACCESS TO EDUCATION IS
20 APPROPRIATE; AND

21 (VIII) DISCIPLINARY ACTION AND USE OF FORCE.

22 (2) THE COMMISSION SHALL COMPLETE A REPORT THAT INCLUDES
23 ITS RECOMMENDATIONS REGARDING THE FEASABILITY OF JAILS OF
24 VARIOUS SIZES AND THEIR ABILITY TO IMPLEMENT THE
25 RECOMMENDATIONS AND PRESENT IT TO THE COMMITTEE FOR APPROVAL
26 BY NOVEMBER 15, 2023. THE DIRECTOR OF RESEARCH OF THE
27 LEGISLATIVE COUNCIL SHALL SUPPLY STAFF ASSISTANCE TO THE

1 COMMISSION, INCLUDING ASSISTING WITH COMPLETING THE REPORT. THE
2 DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL NOT SUPPLY
3 STAFF ASSISTANCE TO ANY SUBCOMMITTEES CREATED BY THE
4 COMMISSION.

5 **2-3-1904. Repeal of part.** THIS PART 19 IS REPEALED, EFFECTIVE
6 JULY 1, 2024.

7

8 **SECTION 2.** In Session Laws of Colorado 2021, **amend** section
9 4 of chapter 322 as follows:

10 Section 4. **Effective date.** This act takes effect upon passage;
11 except that section 1 of this act takes effect on ~~July 1, 2022~~ JULY 1, 2023,
12 and section 2 of this act takes effect on January 1, 2022.

13 **SECTION 3. Appropriation.** For the 2022-23 state fiscal year,
14 \$96,039 is appropriated to the legislative department. This appropriation
15 is from the general fund. To implement this act, the department may use
16 this appropriation as follows:

17 (a) \$90,379 for use by the legislative council, which amount is
18 based on an assumption that the council will require an additional 0.9
19 FTE; and

20 (b) \$5,660 for use by the general assembly.

21 **SECTION 4. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.