

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-1044.01 Conrad Imel x2313

HOUSE BILL 19-1297

HOUSE SPONSORSHIP

Weissman and McKean,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING DATA COLLECTION FROM JAIL FACILITIES OPERATED BY**
102 **POLITICAL SUBDIVISIONS OF THE STATE.**

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>.)

Under existing law, the keeper of a jail is required to maintain records concerning the persons confined in the jail. The bill expands the information that a keeper of a jail is required to maintain. The keeper is required to submit a quarterly report of this information to the division of criminal justice within the department of public safety (division), and the division is required to publish that information in a searchable and

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.

sortable format. A law enforcement agency that operates a jail that does not comply with the quarterly reporting requirement is subject to a \$500 fine.

The bill requires the Colorado commission on criminal and juvenile justice to study the development of a system to monitor and report the information required in the bill in real time.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 17-26-118 as follows:

4 **17-26-118. Criminal justice data collection - definitions.** (1) AS
5 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "CASE DISPOSITION" MEANS THE FINAL JUDGMENT,
7 ADJUDICATION, ADJUDICATION WITHHELD, DISMISSAL, OR NOLLE PROSEQUI
8 OF A CASE.

9 (b) "CONFINED INMATE" MEANS AN INMATE UNDER THE
10 SUPERVISION OF A JAIL FACILITY, INCLUDING AN INMATE WHO IS IN
11 TRANSIT TO OR FROM A FACILITY, APPEARING IN OR IN TRANSIT TO OR
12 FROM COURT, HELD FOR OTHER JURISDICTIONS, IN A HOSPITAL OR OTHER
13 MEDICAL INSTITUTION FOR TREATMENT BUT WOULD OTHERWISE BE
14 HOUSED IN THE JAIL FACILITY, OR IN A COMMUNITY-BASED PROGRAM BUT
15 RETURNS TO JAIL AT NIGHT. "CONFINED INMATE" DOES NOT INCLUDE A
16 PERSON WHO IS UNDER THE JURISDICTION OF THE JAIL FACILITY BUT IS
17 BOARDED ELSEWHERE, IS ABSENT WITHOUT LEAVE, HAS ESCAPED, IS ON
18 LONG-TERM TRANSFER TO OTHER JURISDICTIONS, OR IS IN A
19 COMMUNITY-BASED PROGRAM BUT DOES NOT RETURN TO JAIL AT NIGHT.

20 (c) "HOLD" MEANS A MECHANISM PREVENTING A CONFINED
21 INMATE'S RELEASE FROM CUSTODY ON BAIL, INCLUDING A HOLD ON
22 BEHALF OF ANOTHER CRIMINAL JUSTICE AGENCY, A PAROLE HOLD, AND A

1 PROBATION HOLD.

2 (d) "HOMELESS" MEANS AN INDIVIDUAL WHO LACKS A FIXED,
3 REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE. AN INDIVIDUAL IS
4 CONSIDERED HOMELESS IF THE INDIVIDUAL'S PRIMARY ADDRESS IS
5 RECORDED AS:

6 (I) TRANSIENT;

7 (II) A SUPERVISED PUBLICLY OR PRIVATELY OPERATED SHELTER
8 DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS, INCLUDING
9 WELFARE HOTELS, CONGREGATE SHELTERS, AND TRANSITIONAL HOUSING
10 FOR PERSONS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS; OR

11 (III) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR, NOR
12 ORDINARILY USED AS, A REGULAR SLEEPING ACCOMMODATION FOR
13 HUMAN BEINGS, INCLUDING BUT NOT LIMITED TO AN AUTOMOBILE, A PARK,
14 AN ABANDONED BUILDING, A BUS OR TRAIN STATION, OR A SIMILAR
15 SETTING.

16 (e) "JAIL FACILITY" MEANS ANY BUILDING, STRUCTURE,
17 ENCLOSURE, INSTITUTION, OR PLACE, WHETHER PERMANENT OR
18 TEMPORARY, FIXED OR MOBILE, WHERE PERSONS ARE OR MAY BE
19 LAWFULLY HELD IN CUSTODY OR CONFINED, THAT IS OPERATED BY A
20 POLITICAL SUBDIVISION OF THE STATE.

21 (f) "JAIL MANAGEMENT SYSTEM" MEANS A SOFTWARE PROGRAM
22 UTILIZED BY A JAIL FACILITY TO STORE JAIL DATA AND TO TRACK INMATE
23 INFORMATION AND STATUS BEGINNING AT BOOKING AND UNTIL RELEASE.

24 (g) "LENGTH OF STAY" MEANS THE NUMBER OF DAYS THAT A
25 CONFINED INMATE SPENDS IN JAIL, FROM THE DATE OF ENTRANCE TO THE
26 DATE OF RELEASE, COUNTING ANY PART OF ONE CALENDAR DAY AS ONE
27 DAY.

1 (h) "MUNICIPAL OFFENSE" MEANS A VIOLATION OF, OR CONDUCT
2 DEFINED BY, ANY MUNICIPAL CODE OR ORDINANCE.

3 (i) "OPERATIONAL CAPACITY" MEANS THE NUMBER OF INMATES
4 WHO CAN BE ACCOMMODATED IN A JAIL FACILITY BASED ON THE NUMBER
5 OF BEDS AT THE FACILITY AND THE FACILITY'S STAFF, EXISTING PROGRAMS,
6 AND SERVICES.

7 (j) "SENTENCED INMATE" MEANS AN INMATE WHO IS CONFINED
8 AND ACTIVELY SERVING A SENTENCE REQUIRING A TERM OF
9 IMPRISONMENT. AN INMATE IS CONSIDERED SENTENCED EVEN IF THE
10 INMATE IS UNSENTENCED IN A SEPARATE CASE, AND EVEN IF THE INMATE
11 HAS A HOLD PREVENTING THE INMATE'S RELEASE.

12 (k) "SNAPSHOT" MEANS A DATA SET FROM A JAIL FACILITY THAT
13 REPRESENTS THE REQUIRED DATA POINTS AS OF THE REPORTING DATE.

14 (l) "SUBSTANCE ADDICTION" MEANS A PERSISTENT, COMPULSIVE
15 DEPENDENCE ON A SUBSTANCE, INCLUDING MOOD-ALTERING BEHAVIORS
16 OR ACTIVITIES KNOWN AS PROCESS ADDICTIONS.

17 (m) "UNSENTENCED INMATE" MEANS AN INMATE WHO IS CONFINED
18 AND AWAITING CASE DISPOSITION. AN INMATE IS NOT CONSIDERED
19 UNSENTENCED IF THE INMATE IS ACTIVELY SERVING A SENTENCE
20 REQUIRING A TERM OF IMPRISONMENT IN A SEPARATE CASE.

21 (2) THE KEEPER OF EACH JAIL FACILITY SHALL KEEP AND MAINTAIN
22 A DAILY RECORD OF ALL DATA SPECIFIED IN SUBSECTION (3) THIS SECTION.
23 THE INFORMATION CONTAINED IN THE RECORD MUST BE AVAILABLE TO
24 THE PUBLIC AT ALL REASONABLE HOURS.

25 (3) THE KEEPER OF EACH JAIL FACILITY SHALL KEEP AND MAINTAIN
26 A DAILY RECORD OF THE FOLLOWING DATA:

27 (a) FOR EACH CONFINED INMATE, THE DATE OF ENTRANCE; NAME;

1 DATE OF BIRTH; RACE; ETHNICITY; GENDER; ANY CRIMINAL CHARGES
2 AGAINST THE INMATE, ORGANIZED BY CODE SECTION, AND THE
3 JURISDICTION CHARGING EACH OFFENSE; TERM OF SENTENCE; BOND
4 AMOUNT; AND RELEASE DATE;

5 (b) THE OPERATIONAL CAPACITY OF THE JAIL FACILITY;

6 (c) THE NAME OF THE JAIL MANAGEMENT SYSTEM USED BY THE
7 FACILITY;

8 (d) THE NUMBER OF CONFINED INMATES IN THE JAIL FACILITY;

9 (e) COUNTING EACH CONFINED INMATE ONLY ONCE, THE
10 FOLLOWING INFORMATION CONCERNING CONFINED INMATES:

11 (I) THE NUMBER OF SENTENCED INMATES;

12 (II) THE NUMBER OF UNSENTENCED INMATES WITH A HOLD; AND

13 (III) THE NUMBER OF UNSENTENCED INMATES WITHOUT A HOLD;

14 (f) COUNTING EACH UNSENTENCED INMATE WITHOUT A HOLD
15 ONLY ONCE, THE FOLLOWING INFORMATION CONCERNING UNSENTENCED
16 INMATES:

17 (I) THE NUMBER WHOSE MOST SERIOUS CHARGED OFFENSE IS A
18 FELONY; AND

19 (II) THE NUMBER WHOSE MOST SERIOUS CHARGED OFFENSE IS A
20 MISDEMEANOR;

21 (g) THE NUMBER OF CONFINED INMATES HELD SOLELY FOR A
22 MUNICIPAL OFFENSE;

23 (h) THE NUMBER OF CONFINED INMATES HELD IN ADMINISTRATIVE
24 SEGREGATION OR OTHER CUSTODY LEVEL IN WHICH THE INMATE IS
25 ALLOWED OUTSIDE OF HIS OR HER CELL FOR TWO OR FEWER HOURS PER
26 DAY;

27 (i) THE NUMBER OF CONFINED INMATES AWAITING A COMPETENCY

1 EVALUATION, AS DEFINED IN SECTION 16-8.5-101 (1); A COMPETENCY
2 HEARING, AS DEFINED IN SECTION 16-8.5-101 (3); OR A RESTORATION
3 HEARING, AS DEFINED IN SECTION 16-8.5-101 (13);

4 (j) THE NUMBER OF CONFINED INMATES WITH A SUBSTANCE
5 ADDICTION;

6 (k) THE AVERAGE LENGTH OF STAY FOR EACH OF THE FOLLOWING:

7 (I) CONFINED INMATES WHO WERE RELEASED WITHIN THE PRIOR
8 TWELVE MONTHS WHOSE MOST SERIOUS OFFENSE IS A FELONY; AND

9 (II) CONFINED INMATES WHO WERE RELEASED WITHIN THE PRIOR
10 TWELVE MONTHS WHOSE MOST SERIOUS OFFENSE IS A MISDEMEANOR;

11 (l) THE NUMBER OF CONFINED INMATES IDENTIFIED AS HOMELESS;
12 AND

13 (m) THE NUMBER OF DEATHS OF CONFINED INMATES.

14 (4) (a) ON OR BEFORE JANUARY 15, 2020, AND ON OR BEFORE
15 EACH JANUARY 15, APRIL 15, JULY 15, AND OCTOBER 15 THEREAFTER,
16 EACH JAIL FACILITY SHALL SUBMIT A QUARTERLY REPORT OF THE DATA
17 COLLECTED PURSUANT TO SUBSECTION (3) OF THIS SECTION AS OF THE
18 FIRST DAY OF THE MONTH IN WHICH THE REPORT IS SUBMITTED TO THE
19 DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC
20 SAFETY VIA AN ELECTRONIC SURVEY DESIGNED BY THE DIVISION FOR THAT
21 PURPOSE. EACH QUARTERLY REPORT MUST INCLUDE:

22 (I) A SNAPSHOT OF THE DATA REQUIRED BY SUBSECTIONS (3)(b)
23 AND (3)(c) OF THIS SECTION;

24 (II) A SNAPSHOT OF THE DATA REQUIRED BY SUBSECTIONS (3)(d)
25 TO (3)(l) OF THIS SECTION ORGANIZED BY RACE, ETHNICITY, AND GENDER;
26 AND

27 (III) DATA CONCERNING THE NUMBER OF DEATHS OF CONFINED

1 INMATES, COLLECTED PURSUANT TO SUBSECTION (3)(m) OF THIS SECTION,
2 AS THE TOTAL OF ALL DEATHS OF CONFINED INMATES THAT OCCURRED
3 SINCE THE PREVIOUS REPORTING DATE.

4 (b) IF A JAIL FACILITY IS UNABLE TO PROVIDE ANY OF THE DATA
5 DESCRIBED IN SUBSECTION (3) OF THIS SECTION, THE JAIL FACILITY SHALL
6 INCLUDE IN ITS REPORT AN EXPLANATION OF ALL GOOD FAITH EFFORTS TO
7 COLLECT AND SUBMIT THE DATA NOT INCLUDED IN THE REPORT.

8 (c) IF A JAIL FACILITY FAILS TO SUBMIT A QUARTERLY REPORT
9 PURSUANT TO THIS SUBSECTION (4) WITHIN THIRTY DAYS AFTER A
10 REPORTING DATE, THE JAIL FACILITY IS CONSIDERED NONCOMPLIANT FOR
11 THE QUARTERLY REPORTING PERIOD. THE EXECUTIVE DIRECTOR OF THE
12 DEPARTMENT OF PUBLIC SAFETY SHALL SEND NOTICE OF THE FAILURE TO
13 THE NONCOMPLIANT JAIL FACILITY. A LAW ENFORCEMENT AGENCY
14 OPERATING A NONCOMPLIANT JAIL FACILITY SHALL PAY TO THE
15 DEPARTMENT OF PUBLIC SAFETY A CIVIL FINE OF FIVE HUNDRED DOLLARS.
16 IF THE DEPARTMENT OF PUBLIC SAFETY PURSUES LEGAL ACTION TO
17 ENFORCE THE CIVIL FINE AND THE DEPARTMENT PREVAILS IN THE ACTION,
18 THE DEPARTMENT IS ENTITLED TO ITS REASONABLE COSTS AND ATTORNEY
19 FEES RELATED TO THE ACTION.

20 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-518, **amend**
21 (5); and **add** (4.5) as follows:

22 **24-33.5-518. Criminal justice data collection.** (4.5) BEGINNING
23 JANUARY 1, 2020, EACH JAIL FACILITY SHALL REPORT DATA REQUIRED TO
24 BE COLLECTED PURSUANT TO SECTION 17-26-118 TO THE DIVISION IN
25 ACCORDANCE WITH THE SCHEDULE DESCRIBED IN SECTION 17-26-118 (4).
26 WITHIN ONE MONTH AFTER EACH REPORTING DEADLINE, THE DIVISION
27 SHALL COLLECT, COMPILE, AND PUBLISH ALL DATA RECEIVED PURSUANT

1 TO THIS SUBSECTION (4.5) IN A SEARCHABLE AND SORTABLE FORMAT.

2 (5) The division shall compile and report the data received in
3 ~~subsections (2) to (4)~~ SUBSECTIONS (2) TO (4.5) of this section by
4 September 30 of each year. The report shall be provided to the judiciary
5 committees of the house of representatives and senate, or any successor
6 committees, and the Colorado commission on criminal and juvenile
7 justice created in section 16-11.3-102. ~~C.R.S.~~

8 **SECTION 3.** In Colorado Revised Statutes, 16-11.3-103, **add**
9 (2)(h) as follows:

10 **16-11.3-103. Duties of the commission - mission - staffing -**
11 **definition.** (2) The commission has the following duties:

12 (h) TO STUDY THE DEVELOPMENT BY THE STATE OF A REAL-TIME
13 SYSTEM TO MONITOR AND REPORT THE INFORMATION REQUIRED TO BE
14 COLLECTED PURSUANT TO SECTION 17-26-118 AND THE POTENTIAL
15 INTEGRATION OF THE REAL-TIME SYSTEM WITH THE COLORADO
16 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM CREATED IN
17 SECTION 16-20.5-103.

18 **SECTION 4. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.