

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

ENGROSSED

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

LLS NO. 19-1044.01 Conrad Imel x2313

HOUSE BILL 19-1297

HOUSE SPONSORSHIP

Weissman and McKean,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING DATA COLLECTION FROM JAIL FACILITIES OPERATED BY**
102 **POLITICAL SUBDIVISIONS OF THE STATE, AND, IN CONNECTION**
103 **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>.)

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

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 25, 2019

division is required to publish that information in a searchable and 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 -**
5 **repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "AVERAGE DAILY POPULATION" MEANS THE NUMBER OF
8 CONFINED INMATES EACH DAY FOR A YEAR, DIVIDED BY THE NUMBER OF
9 DAYS IN THE YEAR.

10 (b) "CASE DISPOSITION" MEANS THE FINAL JUDGMENT,
11 ADJUDICATION, ADJUDICATION WITHHELD, DISMISSAL, OR NOLLE PROSEQUI
12 OF A CASE.

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

1 COMMUNITY-BASED PROGRAM BUT DOES NOT RETURN TO JAIL AT NIGHT.

2 (d) "HOLD" MEANS A MECHANISM PREVENTING A CONFINED
3 INMATE'S RELEASE FROM CUSTODY ON BAIL, INCLUDING A HOLD ON
4 BEHALF OF ANOTHER CRIMINAL JUSTICE AGENCY, A PAROLE HOLD, AND A
5 PROBATION HOLD.

6 (e) "HOMELESS" MEANS AN INDIVIDUAL WHO LACKS A FIXED,
7 REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE. AN INDIVIDUAL IS
8 CONSIDERED HOMELESS IF THE INDIVIDUAL'S PRIMARY ADDRESS IS
9 RECORDED AS:

10 (I) TRANSIENT;

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

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

20 (f) "JAIL FACILITY" MEANS ANY BUILDING, STRUCTURE,
21 ENCLOSURE, INSTITUTION, OR PLACE, WHETHER PERMANENT OR
22 TEMPORARY, FIXED OR MOBILE, WHERE PERSONS ARE OR MAY BE
23 LAWFULLY HELD IN CUSTODY OR CONFINED, THAT IS OPERATED BY A
24 COUNTY OR CITY AND COUNTY.

25 (g) "JAIL MANAGEMENT SYSTEM" MEANS A SOFTWARE PROGRAM
26 UTILIZED BY A JAIL FACILITY TO STORE JAIL DATA AND TO TRACK INMATE
27 INFORMATION AND STATUS BEGINNING AT BOOKING AND UNTIL RELEASE.


1 (h) "LENGTH OF STAY" MEANS THE NUMBER OF CONSECUTIVE
2 DAYS THAT A CONFINED INMATE SPENDS IN JAIL, FROM THE DATE OF
3 BOOKING TO THE DATE OF RELEASE, COUNTING ANY PART OF ONE
4 CALENDAR DAY, INCLUDING DAYS DURING WHICH THE INMATE SPENDS
5 PART OF THE DAY OUTSIDE OF THE JAIL, AS ONE DAY.

6 (i) "MUNICIPAL OFFENSE" MEANS A VIOLATION OF, OR CONDUCT
7 DEFINED AS UNLAWFUL BY, ANY MUNICIPAL CODE OR ORDINANCE.

8 (j) "OPERATIONAL CAPACITY" MEANS THE NUMBER OF INMATES
9 WHO CAN BE ACCOMMODATED IN A JAIL FACILITY BASED ON THE NUMBER
10 OF PERMANENT BEDS THAT THE FACILITY IS DESIGNED TO HOLD AND THE
11 FACILITY'S STAFF, EXISTING PROGRAMS, AND SERVICES.

12 (k) "SENTENCED INMATE" MEANS AN INMATE WHO IS CONFINED
13 AND ACTIVELY SERVING A SENTENCE REQUIRING A TERM OF
14 IMPRISONMENT. AN INMATE IS CONSIDERED SENTENCED EVEN IF THE
15 INMATE IS UNSENTENCED IN A SEPARATE CASE, AND EVEN IF THE INMATE
16 HAS A HOLD.

17 (l) "SNAPSHOT" MEANS A DATA SET FROM A JAIL FACILITY THAT
18 REPRESENTS THE REQUIRED DATA POINTS AS OF THE REPORTING DATE.

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

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

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

3 (a) FOR EACH CONFINED INMATE, THE DATE OF ENTRANCE; NAME;
4 DATE OF BIRTH; RACE; ETHNICITY; GENDER; ANY CRIMINAL CHARGES
5 AGAINST THE INMATE, ORGANIZED BY CODE SECTION, AND THE
6 JURISDICTION CHARGING EACH OFFENSE; TERM OF SENTENCE, IF
7 SENTENCED; BOND AMOUNT, IF BOND HAS BEEN SET; AND RELEASE DATE;

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

9 (c) THE NAME OF THE JAIL MANAGEMENT SYSTEM USED BY THE
10 FACILITY;

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

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

14 (I) THE NUMBER OF SENTENCED INMATES;

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

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

17 (f) COUNTING EACH UNSENTENCED INMATE WITHOUT A HOLD
18 ONLY ONCE, THE FOLLOWING INFORMATION CONCERNING UNSENTENCED
19 INMATES:

20 (I) THE NUMBER WHOSE MOST SERIOUS CHARGED OFFENSE IS A
21 FELONY; AND

22 (II) THE NUMBER WHOSE MOST SERIOUS CHARGED OFFENSE IS A
23 MISDEMEANOR;

24 (g) THE NUMBER OF CONFINED INMATES HELD SOLELY FOR A
25 MUNICIPAL OFFENSE;

26 (h) THE NUMBER OF CONFINED INMATES HELD IN ADMINISTRATIVE
27 SEGREGATION OR OTHER CUSTODY LEVEL IN WHICH THE INMATE IS

1 ALLOWED OUTSIDE OF HIS OR HER CELL FOR TWO OR FEWER HOURS PER
2 DAY;

3 (i) THE NUMBER OF CONFINED INMATES AWAITING A COMPETENCY
4 EVALUATION, AS DEFINED IN SECTION 16-8.5-101 (1); A COMPETENCY
5 HEARING, AS DEFINED IN SECTION 16-8.5-101 (3); OR A RESTORATION
6 HEARING, AS DEFINED IN SECTION 16-8.5-101 (13);

7 (j) THE AVERAGE DAILY POPULATION OF THE JAIL FACILITY;

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

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

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

13 (l) THE NUMBER OF CONFINED INMATES IDENTIFIED AS HOMELESS;

14 ■

15 (m) THE NUMBER OF DEATHS OF CONFINED INMATES; AND

16 (n) THE NUMBER OF BOOKINGS INTO THE JAIL FACILITY.

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

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

27 (II) A SNAPSHOT OF THE DATA REQUIRED BY SUBSECTIONS (3)(d)

1 TO (3)(l) OF THIS SECTION ORGANIZED BY RACE, ETHNICITY, AND GENDER;

2 ■

3 (III) DATA CONCERNING THE NUMBER OF DEATHS OF CONFINED
4 INMATES, COLLECTED PURSUANT TO SUBSECTION (3)(m) OF THIS SECTION,
5 AS THE TOTAL OF ALL DEATHS OF CONFINED INMATES THAT OCCURRED
6 SINCE THE PREVIOUS REPORTING DATE; AND

7 (IV) DATA CONCERNING THE NUMBER OF BOOKINGS INTO THE JAIL
8 FACILITY, COLLECTED PURSUANT TO SUBSECTION (3)(n) OF THIS SECTION,
9 AS THE TOTAL OF ALL BOOKINGS INTO THE JAIL FACILITY THAT OCCURRED
10 SINCE THE PREVIOUS REPORTING DATE.

11 (b) IF A JAIL FACILITY IS UNABLE TO PROVIDE ANY OF THE DATA
12 THAT IT IS REQUIRED TO REPORT PURSUANT TO THIS SUBSECTION (4), THE
13 JAIL FACILITY SHALL INCLUDE IN ITS REPORT AN EXPLANATION OF ALL
14 GOOD FAITH EFFORTS TO COLLECT AND SUBMIT THE DATA NOT INCLUDED
15 IN THE REPORT.

16 (c) IF A JAIL FACILITY FAILS TO SUBMIT A QUARTERLY REPORT
17 PURSUANT TO THIS SUBSECTION (4) WITHIN THIRTY DAYS AFTER A
18 REPORTING DATE, THE JAIL FACILITY IS CONSIDERED NONCOMPLIANT FOR
19 THE QUARTERLY REPORTING PERIOD. THE EXECUTIVE DIRECTOR OF THE
20 DEPARTMENT OF PUBLIC SAFETY SHALL SEND NOTICE OF THE FAILURE TO
21 THE NONCOMPLIANT JAIL FACILITY. ■ ■

22 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 31,
23 2023.

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

26 **24-33.5-518. Criminal justice data collection - repeal.** (4.5) (a)
27 BEGINNING JANUARY 1, 2020, EACH JAIL FACILITY SHALL REPORT DATA

1 REQUIRED TO BE COLLECTED PURSUANT TO SECTION 17-26-118 TO THE
2 DIVISION IN ACCORDANCE WITH THE SCHEDULE DESCRIBED IN SECTION
3 17-26-118 (4). WITHIN ONE MONTH AFTER EACH REPORTING DEADLINE,
4 THE DIVISION SHALL COLLECT, COMPILE, AND PUBLISH ALL DATA RECEIVED
5 PURSUANT TO THIS SUBSECTION (4.5) IN A SEARCHABLE AND SORTABLE
6 FORMAT CONTAINING BOTH STATEWIDE DATA AND DATA FOR EACH
7 INDIVIDUAL JAIL FACILITY. IF POSSIBLE, THE DIVISION SHALL MAKE THE
8 DATA AVAILABLE ONLINE IN AN INTERACTIVE FORMAT.

9 (b) THIS SUBSECTION (4.5) IS REPEALED, EFFECTIVE MARCH 31,
10 2023.

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

17
18 **SECTION 3. Appropriation.** For the 2019-20 state fiscal year,
19 \$26,107 is appropriated to the department of public safety for use by the
20 division of criminal justice. This appropriation is from the general fund
21 and is based on an assumption that the division will require an additional
22 0.3 FTE. To implement this act, the division may use this appropriation
23 for DCJ administrative services.

24 **SECTION 4. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2020 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.