A BILL FOR AN ACT

CONCERNING DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT INSPECTIONS OF PENAL INSTITUTIONS.

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 current law, the department of public health and environment (department) is charged with making annual sanitary, sewerage, and health inspections of penal institutions. The bill defines "penal institutions" and includes in that definition public and private facilities that house noncitizens for civil immigration proceedings. The bill specifically authorizes unannounced follow-up inspections by the
For the 2020-21 fiscal year, the bill directs the department to make the annual inspections of facilities that house noncitizens before January 1, 2021, and to submit its report to the governor and specified committees of the general assembly.

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

SECTION 1. In Colorado Revised Statutes, 25-1.5-101, amend (1)(i)(I) as follows:

25-1.5-101. Powers and duties of department - laboratory cash fund - report - definition - repeal. (1) The department has, in addition to all other powers and duties imposed upon it by law, the powers and duties provided in this section as follows:

(i) (I) (A) To establish sanitary standards and make sanitary, sewerage, and health inspections and examinations for charitable, penal, and other public institutions. and

(B) As used in this subsection (1)(i), "penal institution" means any local detention center, correctional facility, holding facility, secure residential treatment center, prison, camp, or other facility in which persons are or may be lawfully held in custody, including any public or private facility in Colorado that houses or detains noncitizens for purposes of civil immigration proceedings, including any facility that houses or detains minors, on behalf of the Federal Office of Refugee Resettlement or the United States Immigration and Customs Enforcement Agency.

(C) With respect to the state institutions under the department of human services specified in section 27-90-104 C.R.S., or under the department of corrections specified in section 17-1-104.3 (1)(b), C.R.S.,
such inspections and examinations **shall** MUST be made at least once each year AND **ADDITIONAL UNANNOUNCED INSPECTIONS MAY BE CONDUCTED AFTER THE ANNUAL INSPECTION.** Reports on such inspections of institutions under control of the department of human services or the department of corrections **shall** MUST be made to the executive director of the appropriate department for appropriate action, if any.

(D) **WITH RESPECT TO ANY FACILITY THAT HOUSES OR DETAINS NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS, SUCH INSPECTIONS AND EXAMINATIONS MUST BE MADE ANNUALLY AND ADDITIONAL UNANNOUNCED INSPECTIONS MAY BE CONDUCTED AFTER THE ANNUAL INSPECTION.**

(E) **FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2020, FOR FACILITIES THAT HOUSE OR DETAIN NONCITIZENS AS OF SEPTEMBER 1, 2020, THE ANNUAL INSPECTION REQUIRED BY SUBSECTION (1)(i)(I)(D) OF THIS SECTION MUST BE CONDUCTED PRIOR TO JANUARY 1, 2021, AND THE DEPARTMENT SHALL PRODUCE A REPORT ON THE INSPECTION PRIOR TO JANUARY 1, 2021, AND PROVIDE THE REPORT TO THE GOVERNOR AND MEMBERS OF THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES. THIS SUBSECTION (1)(i)(I)(E) IS REPEALED, EFFECTIVE JULY 1, 2021.**

SECTION 2. **Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.