

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

DRAFT  
10/22/24

**BILL 2**

LLS NO. 25-0302.02 Jessica Herrera x4218

**INTERIM COMMITTEE BILL**

**Legislative Oversight Committee Concerning Colorado Jail Standards**

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**BILL TOPIC:** Incentives for Regional Jail Approach

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**A BILL FOR AN ACT**

101 **CONCERNING INCENTIVES FOR COUNTIES THAT UTILIZE A REGIONAL**  
102 **JAIL APPROACH, AND, IN CONNECTION THEREWITH, CREATING**  
103 **A GRANT PROGRAM FOR COUNTIES ENTERING INTO A**  
104 **INTERGOVERNMENTAL AGREEMENT FOR A**  
105 **MULTIJURISDICTIONAL COUNTY JAIL.**

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**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/>.)*

**Legislative Oversight Committee Concerning Colorado Jail Standards.** Current law requires each county with a population of 2,000

*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words indicate deletions from existing law.*

or more to maintain a county jail. The bill exempts any such county from the requirement to maintain a county jail if the county has entered into an intergovernmental agreement with another county to operate a multijurisdictional county jail (intergovernmental agreement).

To incentivize counties to enter into an intergovernmental agreement, the bill creates the regional jail approach grant program within the division of criminal justice of the department of public safety and the regional jail approach program cash fund (fund) for the benefit of a county that hosts detainees or prisoners from another county to offset any increased operational costs. For the 2025-26 state fiscal year, the bill makes a one-time \$1 million transfer from the general fund to the fund.

The bill also authorizes counties entering into an intergovernmental agreement to utilize the state risk management system while permitting a respective board of county commissioners to opt out of participation in the state risk management system and seek an independent risk management program.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4           (a) Many small counties cannot support the construction,  
5 maintenance, operation, and staffing of a county jail;

6           (b) The state does not provide funding for county jail operations  
7 to counties and imposes state-mandated requirements on county jails;

8           (c) Counties have statutory authority to enter into  
9 intergovernmental agreements and to construct multijurisdictional jails;  
10 and

11           (d) Therefore, the general assembly finds and declares that it is  
12 necessary to incentivize small counties to consolidate county jails and  
13 create the regional jail approach grant program to ensure detainees and  
14 prisoners from small counties have necessary resources.

15           **SECTION 2.** In Colorado Revised Statutes, **amend** 17-26-101 as  
16 follows:

1           **17-26-101. Jail in each county.** (1) EXCEPT AS PROVIDED IN  
2 SUBSECTION (2) OF THIS SECTION, there ~~shall be~~ IS maintained in each  
3 county in this state, at the expense of the county, a county jail for the  
4 detention, safekeeping, and confinement of persons and prisoners  
5 lawfully committed. Nothing in this ~~article shall be construed to compel~~  
6 ARTICLE 26 COMPELS the erection of jails in counties having a population  
7 of less than two thousand or when the county owns a jail erected in any  
8 other place in the county.

9           (2) A COUNTY THAT MAINTAINS AN INTERGOVERNMENTAL  
10 AGREEMENT OR ANY OTHER CONTRACT WITH AT LEAST ONE OTHER  
11 COUNTY FOR THE SAFEKEEPING OR CONFINEMENT OF PERSONS OR  
12 PRISONERS LAWFULLY COMMITTED IS NOT REQUIRED TO MAINTAIN A  
13 COUNTY JAIL WITHIN THE JURISDICTIONAL PHYSICAL BOUNDARIES OF SUCH  
14 COUNTY.

15           **SECTION 3.** In Colorado Revised Statutes, **add 24-33.5-537** as  
16 follows:

17           **24-33.5-537. Regional jail approach grant program - fund -**  
18 **rules - report - definitions - repeal.** (1) AS USED IN THIS SECTION,  
19 UNLESS THE CONTEXT OTHERWISE REQUIRES:

20           (a) "FUND" MEANS THE REGIONAL JAIL APPROACH GRANT  
21 PROGRAM CASH FUND CREATED IN SUBSECTION (5)(a) OF THIS SECTION.

22           (b) "PROGRAM" MEANS THE REGIONAL JAIL APPROACH GRANT  
23 PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

24           (c) "TRANSFEREE COUNTY" MEANS A COUNTY THAT HAS ENTERED  
25 INTO AN INTERGOVERNMENTAL AGREEMENT OR CONTRACT WITH ANOTHER  
26 COUNTY AND, IN ACCORDANCE WITH THAT AGREEMENT, DETAINS,  
27 ARRESTS, SAFEKEEPS, OR CONFINES PERSONS OR PRISONERS LAWFULLY

1 COMMITTED FROM A TRANSFEROR COUNTY.

2 (d) "TRANSFEROR COUNTY" MEANS A COUNTY THAT HAS ENTERED  
3 INTO AN INTERGOVERNMENTAL AGREEMENT OR CONTRACT WITH ANOTHER  
4 COUNTY AND, IN ACCORDANCE WITH THAT AGREEMENT, HAS DELEGATED  
5 THE RESPONSIBILITY OF DETAINING, ARRESTING, SAFEKEEPING, OR  
6 CONFINING PERSONS OR PRISONERS LAWFULLY COMMITTED TO A  
7 TRANSFEREE COUNTY AS DEFINED IN SUBSECTION (1)(c) OF THIS SECTION.

8 (2)(a) THERE IS CREATED WITHIN THE DIVISION THE REGIONAL JAIL  
9 APPROACH GRANT PROGRAM TO PROVIDE GRANTS TO COUNTIES THAT  
10 ENTER INTO AN INTERGOVERNMENTAL AGREEMENT OR CONTRACT IN  
11 ORDER TO CONSOLIDATE ONE OR MORE COUNTY JAIL FUNCTIONS. THE  
12 PROGRAM IS INTENDED TO SUPPORT COUNTIES WITH INCREMENTAL  
13 OPERATIONAL COSTS RELATED TO THE TERMS OF A INTERGOVERNMENTAL  
14 AGREEMENT OR CONTRACT ASSOCIATED WITH COUNTY JAIL  
15 CONSOLIDATIONS, WHICH INCLUDE, BUT ARE NOT LIMITED TO:

16 (I) ADEQUATE STAFFING OR TRAINING FOR STAFF OF THE  
17 TRANSFEREE JAIL;

18 (II) COSTS ASSOCIATED WITH INCREASED LIABILITY INSURANCE  
19 RATES OR LEGAL FEES;

20 (III) OVERALL JAIL OPERATIONS INCLUDING MEDICAL,  
21 BEHAVIORAL HEALTH, OR ROOM AND BOARD COSTS; AND

22 (IV) TRANSPORTATION COSTS, INCLUDING STAFFING COSTS,  
23 MOTOR VEHICLE PURCHASE AND MAINTENANCE, AND MOTOR VEHICLE  
24 INSURANCE.

25 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(II) OF THIS  
26 SECTION, THE DIVISION SHALL AWARD SEVENTY PERCENT OF THE  
27 AVAILABLE MONEY IN A PROGRAM GRANT CYCLE TO TRANSFEREE

1 COUNTIES AND THIRTY PERCENT OF THE MONEY AVAILABLE IN A PROGRAM  
2 GRANT CYCLE TO TRANSFEROR COUNTIES.

3 (II) THE DIVISION MAY AWARD A GRANT TO A COUNTY THAT IS  
4 OUTSIDE OF THE GRANT DISTRIBUTION PERCENTAGE REQUIREMENTS  
5 PRESCRIBED IN SUBSECTION (2)(b)(I) OF THIS SECTION IF THE DIVISION HAS  
6 AWARDED A GRANT TO ALL QUALIFIED COUNTIES AND HAS MONEY LEFT  
7 OVER IN A GRANT CYCLE.

8 (c) A GRANT IS AWARDED FOR A FIVE-YEAR PERIOD, AND THERE IS  
9 NO LIMIT TO THE NUMBER OF TIMES THAT A COUNTY MAY APPLY FOR AND  
10 RECEIVE A GRANT.

11 (d) THE DIVISION SHALL GIVE PRIORITY FOR FUNDING TO:

12 (I) COUNTIES WITH SMALLER POPULATIONS AND LIMITED  
13 FINANCIAL RESOURCES THAT RESTRICT THE ABILITY TO MAINTAIN A  
14 COUNTY JAIL;

15 (II) COUNTIES WITH INTERGOVERNMENTAL AGREEMENTS THAT  
16 SHOW STRONG COLLABORATION AND DEDICATION TO A REGIONAL JAIL  
17 APPROACH; AND

18 (III) COUNTIES DEDICATED TO SUPPORTING DEFENDANTS IN  
19 TRANSPORTATION, INCLUDING AFTER THEIR RELEASE FROM CUSTODY.

20 (e) A COUNTY PARTICIPATING IN THE PROGRAM THAT REMOVES  
21 ITSELF FROM AN INTERGOVERNMENTAL AGREEMENT REGARDING A  
22 REGIONAL JAIL APPROACH WITH ANOTHER COUNTY IS NO LONGER ELIGIBLE  
23 TO USE OR RECEIVE GRANT MONEY; EXCEPT THAT, IF A TRANSFEREE  
24 COUNTY WITHDRAWS FROM AN INTERGOVERNMENTAL AGREEMENT, THE  
25 RESPECTIVE TRANSFEROR COUNTY MAY CONTINUE TO UTILIZE GRANT  
26 MONEY, WITH THE APPROVAL OF THE DIVISION, TO SUPPORT INTERMEDIATE  
27 ACTIONS NECESSARY TO TRANSPORT AND SUPPORT PERSONS OR PRISONERS

1      LAWFULLY COMMITTED. THE TRANSFEROR COUNTY MAY USE ANY  
2      REMAINING MONEY DEDICATED FOR THE RESPECTIVE TRANSFEREE COUNTY  
3      THAT EXITED THE INTERGOVERNMENTAL AGREEMENT FOR THE  
4      INTERMEDIATE ACTIONS NECESSARY TO TRANSPORT AND SUPPORT  
5      PERSONS OR PRISONERS LAWFULLY COMMITTED AND MAY ALSO APPLY TO  
6      THE DIVISION FOR SUPPLEMENTAL EMERGENCY GRANT MONEY.

7           (f) (I) A COUNTY MAY APPLY FOR A GRANT IF THE BOARD OF  
8      COUNTY COMMISSIONERS OF THE COUNTY IS IN THE PROCESS OF  
9      NEGOTIATING AN INTERGOVERNMENTAL AGREEMENT REGARDING A  
10     REGIONAL JAIL APPROACH WITH ANOTHER COUNTY AND BOTH BOARDS OF  
11     COUNTY COMMISSIONERS HAVE EXECUTED A LETTER OF COMMITMENT  
12     STATING THAT A NEGOTIATION FOR AN INTERGOVERNMENTAL AGREEMENT  
13     IS PENDING. A LETTER OF COMMITMENT IS NOT REQUIRED TO BE  
14     CONTRACTUALLY BINDING ON EITHER BOARD OF COUNTY COMMISSIONERS  
15     BUT MUST BE MADE IN GOOD FAITH THAT CAN BE EVIDENCED BY BOARD OF  
16     COUNTY COMMISSIONERS MEETING MINUTES.

17           (II) THE DIVISION MAY ISSUE A LETTER OF INTENT TO AWARD A  
18     GRANT ON THE BASIS OF A LETTER OF COMMITMENT PURSUANT TO  
19     SUBSECTION (2)(f)(I) OF THIS SECTION WITHIN THIRTY DAYS OF THE  
20     EXECUTION OF ANY SUCH LETTER OF COMMITMENT.

21           (3) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES FOR THE  
22     IMPLEMENTATION AND ADMINISTRATION OF THE PROGRAM BY JANUARY  
23     1, 2026. THE EXECUTIVE DIRECTOR MAY ADOPT A RULE THAT LIMITS THE  
24     MAXIMUM GRANT AMOUNT.

25           (4) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,  
26     OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
27     THIS SECTION. THE DIVISION SHALL TRANSMIT ALL MONEY RECEIVED

1 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO  
2 SHALL CREDIT THE MONEY TO THE REGIONAL JAIL APPROACH GRANT  
3 PROGRAM CASH FUND CREATED IN SUBSECTION (5)(a) OF THIS SECTION.

4 (5) (a) THE REGIONAL JAIL APPROACH GRANT PROGRAM CASH  
5 FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY  
6 APPROPRIATED TO THE FUND PURSUANT TO SUBSECTION (6) OF THIS  
7 SECTION, ANY OTHER MONEY THAT IS APPROPRIATED OR TRANSFERRED TO  
8 THE FUND BY THE GENERAL ASSEMBLY, AND ALL PRIVATE AND PUBLIC  
9 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS THAT ARE  
10 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND.  
11 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE  
12 DIVISION MAY EXPEND MONEY FROM THE FUND TO MAKE PROGRAM  
13 GRANTS AND DEFRAY THE REASONABLE AND NECESSARY EXPENSES OF  
14 ADMINISTERING THE PROGRAM.

15 (6) (a) ON JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER  
16 ONE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND TO BE USED  
17 FOR THE REGIONAL JAIL APPROACH GRANT PROGRAM.

18 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2026.

19 **SECTION 4.** In Colorado Revised Statutes, 24-30-1502, **amend**  
20 (5)(a); and **add** (5)(c) as follows:

21 **24-30-1502. Definitions.** As used in this part 15, unless the  
22 context otherwise requires:

23 (5) (a) "State agency" means any principal department of the state,  
24 any state agency, institution, or hospital, any board, commission, advisory  
25 board, or other entity established by law within or as an advisory to any  
26 existing state department, institution, or agency, and any state-supported  
27 institution of higher education or other instrumentality thereof, except as

1 provided in ~~paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b) OF  
2 THIS SECTION and in section 24-30-1517 (2), and the legislative and  
3 judicial departments of the state. The term also includes the Colorado  
4 state fair authority created pursuant to section 35-65-401 ~~C.R.S.~~; and any  
5 conservation district organized and certified pursuant to article 70 of title  
6 35; ~~C.R.S.~~ except that, in the case of conservation districts, such inclusion  
7 under the risk management fund is only for the purpose of liability  
8 protection as defined in subsection (4.3) of this section. THE TERM ALSO  
9 INCLUDES ANY COUNTY WITH A POPULATION OF LESS THAN FORTY  
10 THOUSAND THAT ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT  
11 WITH ANOTHER COUNTY AS DESCRIBED IN SECTION 17-26-101 (2); EXCEPT  
12 THAT THE INCLUSION UNDER THE RISK MANAGEMENT FUND IS ONLY FOR  
13 THE PURPOSE OF LIABILITY PROTECTION AS DEFINED IN SUBSECTION (4.3)  
14 OF THIS SECTION.

15 (c) A COUNTY WITH A POPULATION OF LESS THAN FORTY  
16 THOUSAND THAT HAS ENTERED INTO AN INTERGOVERNMENTAL  
17 AGREEMENT WITH ANOTHER COUNTY AS DESCRIBED IN SECTION 17-26-101  
18 (2) MAY ELECT TO BE EXCLUDED FROM THE MEANING OF "STATE AGENCY"  
19 PURSUANT TO THIS SUBSECTION (5) AND MAY OBTAIN A RISK  
20 MANAGEMENT PROGRAM INDEPENDENT OF THE PROGRAM CREATED  
21 PURSUANT TO THIS PART 15 BY FORMAL ACTION OF THE RESPECTIVE  
22 BOARD OF COUNTY COMMISSIONERS.

23 **SECTION 5. Effective date.** This act takes effect upon passage;  
24 except that sections 3 and 4 of this act take effect August 1, 2025.

25 **SECTION 6. Safety clause.** The general assembly finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety or for appropriations for



- 1 the support and maintenance of the departments of the state and state
- 2 institutions.