

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB21-1211 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** part 3 to article
4 26 of title 17 as follows:

5 PART 3

6 RESTRICTIVE HOUSING IN JAILS

7 **17-26-301. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 FINDS THAT:

9 (a) PLACING INDIVIDUALS WITH SERIOUS MENTAL ILLNESS IN
10 RESTRICTIVE HOUSING, ALSO KNOWN AS SOLITARY CONFINEMENT, WITHIN
11 A LOCAL JAIL IS INAPPROPRIATE AND CAUSES FURTHER HARM TO THE
12 INDIVIDUAL;

13 (b) ACCORDING TO THE NATIONAL COMMISSION ON
14 CORRECTIONAL HEALTH CARE, PROLONGED SOLITARY CONFINEMENT IS
15 CRUEL, INHUMANE, AND DEGRADING TREATMENT AND HARMFUL TO AN
16 INDIVIDUAL'S HEALTH, AND JUVENILES, INDIVIDUALS WITH SERIOUS
17 MENTAL ILLNESS, AND PREGNANT WOMEN SHOULD BE EXCLUDED FROM
18 SOLITARY CONFINEMENT OF ANY DURATION;

19 (c) THE WORLD HEALTH ORGANIZATION, UNITED NATIONS, AND
20 OTHER INTERNATIONAL BODIES HAVE RECOGNIZED THAT SOLITARY
21 CONFINEMENT IS HARMFUL TO HEALTH;

22 (d) PSYCHOLOGICAL EFFECTS CAUSED BY PLACEMENT IN
23 ISOLATION CAN INCLUDE SELF-HARM, SUICIDE, PARANOIA, PSYCHOSIS,
24 COGNITIVE DISTURBANCES, PERCEPTUAL DISTORTIONS, OBSESSIVE
25 THOUGHTS, ANXIETY, AND DEPRESSION;

26 (e) STUDIES HAVE SHOWN THAT THE PSYCHOLOGICAL STRESS
27 CREATED FROM SOLITARY CONFINEMENT COMPARES TO THE DISTRESS OF
28 PHYSICAL TORTURE. ACCORDING TO UNITED STATES DISTRICT JUDGE
29 THELTON HENDERSON, PUTTING AN INDIVIDUAL WITH A SERIOUS MENTAL
30 ILLNESS IN SOLITARY CONFINEMENT IS THE EQUIVALENT OF PUTTING A
31 PERSON WITH ASTHMA IN A PLACE WITH LITTLE AIR.

32 (f) IN 2012, A TASK FORCE APPOINTED BY THE UNITED STATES
33 ATTORNEY GENERAL CONCLUDED THAT NOWHERE IS THE DAMAGING
34 IMPACT OF INCARCERATION ON VULNERABLE CHILDREN MORE OBVIOUS
35 THAN WHEN IT INVOLVES SOLITARY CONFINEMENT. JUVENILES
36 EXPERIENCE SYMPTOMS OF PARANOIA, ANXIETY, AND DEPRESSION EVEN
37 AFTER VERY SHORT PERIODS OF ISOLATION.

38 (g) THE UNITED NATIONS STANDARD MINIMUM RULES FOR THE
39 TREATMENT OF PRISONERS STATE THAT SOLITARY CONFINEMENT SHOULD
40 BE PROHIBITED IN CASES INVOLVING CHILDREN AND IN THE CASE OF

1 ADULTS WITH MENTAL OR PHYSICAL DISABILITIES WHEN THEIR
2 CONDITIONS WOULD BE EXACERBATED BY SUCH MEASURES; AND

3 (h) INTERNATIONAL STANDARDS ESTABLISHED BY THE UNITED
4 NATIONS RULES FOR THE TREATMENT OF WOMEN PRISONERS AND
5 NON-CUSTODIAL MEASURES FOR WOMEN OFFENDERS STATE THAT
6 PREGNANT WOMEN SHOULD NEVER BE PLACED IN SOLITARY CONFINEMENT
7 AS THEY ARE ESPECIALLY SUSCEPTIBLE TO ITS HARMFUL PSYCHOLOGICAL
8 EFFECTS.

9 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT DUE TO
10 THE SUBSTANTIAL NEGATIVE IMPACTS OF PLACING JUVENILES AND ADULTS
11 WITH SPECIFIC HEALTH CONDITIONS IN RESTRICTIVE HOUSING, THE STATE
12 MUST TAKE IMMEDIATE STEPS TO END AND PROHIBIT THE USE OF
13 RESTRICTIVE HOUSING OF JUVENILES AND ADULTS WITH SPECIFIC HEALTH
14 CONDITIONS IN COLORADO JAILS.

15 **17-26-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (1) "INTELLECTUAL AND DEVELOPMENTAL DISABILITY" MEANS A
18 DISABILITY ATTRIBUTABLE TO AN INTELLECTUAL AND DEVELOPMENTAL
19 CONDITION, AS DEFINED IN THE LATEST EDITION OF THE DIAGNOSTIC AND
20 STATISTICAL MANUAL OF THE AMERICAN PSYCHIATRIC ASSOCIATION, OR
21 RELATED CONDITIONS CONSTITUTING A SUBSTANTIAL DISABILITY.

22 (2) "LOCAL JAIL" MEANS A JAIL OR AN ADULT DETENTION CENTER
23 OF A COUNTY OR CITY AND COUNTY WITH A CAPACITY OF MORE THAN
24 FOUR HUNDRED BEDS.

25 (3) "POSTPARTUM PERIOD" MEANS ONE YEAR AFTER A PREGNANCY
26 HAS ENDED.

27 (4) "RESTRICTIVE HOUSING" MEANS THE STATE OF BEING
28 INVOLUNTARILY CONFINED IN ONE'S CELL FOR APPROXIMATELY
29 TWENTY-TWO HOURS PER DAY OR MORE WITH VERY LIMITED OUT-OF-CELL
30 TIME, MOVEMENT, OR MEANINGFUL HUMAN INTERACTION WHETHER
31 PURSUANT TO DISCIPLINARY, ADMINISTRATIVE, OR CLASSIFICATION
32 ACTION.

33 (5) "SERIOUS MENTAL ILLNESS" MEANS ONE OR MORE
34 SUBSTANTIAL DISORDERS OF THE COGNITIVE, VOLITIONAL, OR EMOTIONAL
35 PROCESSES THAT GROSSLY IMPAIR JUDGMENT OR CAPACITY TO RECOGNIZE
36 REALITY OR TO CONTROL BEHAVIOR AND THAT SUBSTANTIALLY INTERFERE
37 WITH THE PERSON'S ABILITY TO MEET THE ORDINARY DEMANDS OF LIVING.
38 THESE CAN INCLUDE, BUT ARE NOT LIMITED TO, A PSYCHOTIC DISORDER,
39 BIPOLAR DISORDER, OR MAJOR DEPRESSIVE DISORDER OR ANY DIAGNOSED
40 MENTAL DISORDER, EXCEPT FOR SUBSTANCE USE DISORDERS, CURRENTLY
41 ASSOCIATED WITH SERIOUS IMPAIRMENT OF PSYCHOLOGICAL, COGNITIVE,
42 OR BEHAVIORAL FUNCTIONING.

43 **17-26-303. Placement in restrictive housing in a local jail.**

1 (1) A LOCAL JAIL SHALL NOT INVOLUNTARILY PLACE AN INDIVIDUAL IN
2 RESTRICTIVE HOUSING, INCLUDING FOR DISCIPLINARY REASONS, IF THE
3 INDIVIDUAL MEETS ANY ONE OF THE FOLLOWING CONDITIONS:
4 (a) THE INDIVIDUAL IS DIAGNOSED WITH A SERIOUS MENTAL
5 ILLNESS OR IS EXHIBITING GROSSLY ABNORMAL OR IRRATIONAL
6 BEHAVIORS OR BREAKS WITH REALITY OR PERCEPTIONS OF REALITY
7 INDICATING THE PRESENCE OF A SERIOUS MENTAL ILLNESS;
8 (b) THE INDIVIDUAL HAS SELF-REPORTED A SERIOUS MENTAL
9 ILLNESS OR IS EXHIBITING SELF-HARM, UNLESS A LICENSED MENTAL
10 HEALTH PROFESSIONAL OR PSYCHIATRIST EVALUATES THE INDIVIDUAL
11 AND FINDS SERIOUS MENTAL ILLNESS IS NOT PRESENT;
12 (c) THE INDIVIDUAL HAS A SIGNIFICANT AUDITORY OR VISUAL
13 IMPAIRMENT THAT CANNOT OTHERWISE BE ACCOMMODATED;
14 (d) THE INDIVIDUAL IS PREGNANT OR IN THE POSTPARTUM PERIOD;
15 (e) THE INDIVIDUAL IS SIGNIFICANTLY NEUROCOGNITIVELY
16 IMPAIRED BY A CONDITION SUCH AS DEMENTIA OR A TRAUMATIC BRAIN
17 INJURY;
18 (f) THE INDIVIDUAL IS UNDER EIGHTEEN YEARS OF AGE; OR
19 (g) THE INDIVIDUAL HAS AN INTELLECTUAL AND DEVELOPMENTAL
20 DISABILITY.
21 (2)(a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
22 THIS SECTION, AN INDIVIDUAL WHO MEETS ONE OF THE CONDITIONS
23 DESCRIBED IN SUBSECTION (1) OF THIS SECTION MAY BE PLACED IN
24 RESTRICTIVE HOUSING ONLY IF:
25 (I) ANY INDICATION OF PSYCHOLOGICAL DISTRESS IS PRESENT AND
26 THE JAIL TRANSFERRED THE INDIVIDUAL TO A HEALTH-CARE FACILITY TO
27 RECEIVE TREATMENT AND THE INDIVIDUAL IS REFUSED TREATMENT OR IS
28 DETERMINED NOT TO MEET THE CRITERIA FOR ADMISSION IN SECTION
29 27-65-105 BY THE HEALTH-CARE FACILITY; AND
30 (II) THE INDIVIDUAL POSES AN IMMINENT DANGER TO THEMSELVES
31 OR OTHERS; AND
32 (III) NO OTHER LESS RESTRICTIVE OPTION IS AVAILABLE AND THE
33 INDIVIDUAL IS NOT RESPONDING TO ONGOING DE-ESCALATION
34 TECHNIQUES.
35 (b) WHEN AN INDIVIDUAL IS PLACED IN RESTRICTIVE HOUSING
36 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE LOCAL JAIL SHALL
37 DOCUMENT THE FACTS AND CIRCUMSTANCES, INCLUDING OBSERVATIONS
38 AND FINDINGS OF ALL MEDICAL AND MENTAL HEALTH PROFESSIONALS AND
39 LOCAL JAIL STAFF THAT LEAD TO PLACING THE INDIVIDUAL INTO
40 RESTRICTIVE HOUSING, WHEN THE LOCAL JAIL STAFF'S OBSERVATIONS
41 OCCURRED, ANY EFFORTS TO AVOID PLACEMENT OF THE INDIVIDUAL INTO
42 RESTRICTIVE HOUSING, AND A DESCRIPTION OF ALL ALTERNATIVES AND
43 INTERVENTIONS THAT WERE ATTEMPTED TO AVOID RESTRICTIVE HOUSING.

1 THE LOCAL JAIL SHALL ALSO INCLUDE IN THE DOCUMENTATION ANY
2 INJURIES EXPERIENCED BY THE INDIVIDUAL AND THE LOCAL JAIL STAFF OR
3 OTHER MEDICAL ISSUES EXHIBITED BY THE INDIVIDUAL IN THE PROCESS OF
4 PLACING THE INDIVIDUAL IN RESTRICTIVE HOUSING. IN CIRCUMSTANCES
5 IN WHICH THE LOCAL JAIL WAS UNABLE TO EMPLOY LESS RESTRICTIVE
6 ALTERNATIVES, THE LOCAL JAIL SHALL DESCRIBE THE DANGEROUS,
7 EMERGENT BEHAVIOR THAT PRECLUDED USE OF LESS RESTRICTIVE
8 ALTERNATIVES.

9 (c) THE LOCAL JAIL SHALL NOTIFY ITS MEDICAL OR MENTAL
10 HEALTH PROFESSIONALS IN WRITING WHEN AN INDIVIDUAL IS
11 INVOLUNTARILY PLACED IN RESTRICTIVE HOUSING WITHIN ONE HOUR OF
12 THE PLACEMENT.

13 (d) THE LOCAL JAIL SHALL NOTIFY THE INDIVIDUAL'S APPOINTED
14 OR RETAINED LEGAL REPRESENTATIVE, DESIGNATED EMERGENCY
15 CONTACT, OR LEGAL GUARDIAN WITHIN TWELVE HOURS OF THE
16 INDIVIDUAL'S INVOLUNTARY PLACEMENT AND REMOVAL IN RESTRICTIVE
17 HOUSING.

18 (e) AT LEAST EVERY FIFTEEN MINUTES, A MEDICAL OR MENTAL
19 HEALTH PROFESSIONAL OR LOCAL JAIL STAFF SHALL CHECK,
20 FACE-TO-FACE, ON AN INDIVIDUAL INVOLUNTARILY PLACED IN
21 RESTRICTIVE HOUSING PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.
22 IF THE INDIVIDUAL IS DEMONSTRATING UNUSUAL OR BIZARRE BEHAVIOR
23 OR SELF-HARM, THE LOCAL JAIL STAFF SHALL MONITOR THE INDIVIDUAL
24 MORE FREQUENTLY UNLESS A MEDICAL OR MENTAL HEALTH PROFESSIONAL
25 RECOMMENDS OTHERWISE. AT EACH CHECK, THE MEDICAL OR MENTAL
26 HEALTH PROFESSIONAL OR LOCAL JAIL STAFF SHALL DOCUMENT THE
27 BEHAVIORS OF THE INDIVIDUAL.

28 (f) EVERY TWENTY-FOUR HOURS, A MEDICAL OR MENTAL HEALTH
29 PROFESSIONAL SHALL ASSESS, FACE-TO-FACE, THE INDIVIDUAL
30 INVOLUNTARILY PLACED IN RESTRICTIVE HOUSING. THE PROFESSIONAL
31 SHALL ASSESS FOR ANY PSYCHIATRIC OR MEDICAL CONTRAINDICATIONS TO
32 THE PLACEMENT. THE MEDICAL OR MENTAL HEALTH PROFESSIONAL SHALL
33 DOCUMENT THE INDIVIDUAL'S BEHAVIORS AND NEED FOR ONGOING
34 PLACEMENT IN RESTRICTIVE HOUSING OR SHALL DOCUMENT AN OPINION
35 THAT RESTRICTIVE HOUSING IS NO LONGER REQUIRED.

36 (g) (I) WHEN AN INDIVIDUAL IS PLACED IN RESTRICTIVE HOUSING
37 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE LOCAL JAIL SHALL
38 NOT HOLD THE INDIVIDUAL IN RESTRICTIVE HOUSING FOR MORE THAN
39 FIFTEEN DAYS IN A THIRTY-DAY TIME PERIOD WITHOUT A WRITTEN COURT
40 ORDER.

41 (II) IF A LOCAL JAIL WANTS TO HOLD AN INDIVIDUAL PLACED IN
42 RESTRICTIVE HOUSING PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION
43 FOR MORE THAN FIFTEEN DAYS IN A THIRTY-DAY PERIOD, THE LOCAL JAIL

1 MUST OBTAIN A WRITTEN COURT ORDER. A COURT SHALL GRANT THE
2 COURT ORDER IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE
3 THAT:

4 (A) THE INDIVIDUAL POSES AN IMMINENT DANGER TO HIMSELF OR
5 HERSELF OR OTHERS;

6 (B) NO ALTERNATIVE LESS-RESTRICTIVE PLACEMENT IS
7 AVAILABLE;

8 (C) THE JAIL HAS EXHAUSTED ALL OTHER PLACEMENT
9 ALTERNATIVES; AND

10 (D) NO OTHER OPTIONS EXIST, INCLUDING RELEASE FROM
11 CUSTODY.

12 (h) THE LOCAL JAIL SHALL SUPPLY THE INDIVIDUAL WITH BASIC
13 HYGIENE NECESSITIES, INCLUDING SHAVING AND SHOWERING AT LEAST
14 THREE TIMES PER WEEK; EXCHANGES OF CLOTHING, BEDDING, AND LINEN
15 ON THE SAME BASIS AS OTHER INDIVIDUALS IN THE GENERAL JAIL
16 POPULATION; ACCESS TO WRITING LETTERS OR RECEIVING LETTERS;
17 OPPORTUNITIES FOR VISITATION; ACCESS TO LEGAL MATERIALS; ACCESS TO
18 READING MATERIALS; A MINIMUM OF ONE HOUR OF OUTDOOR EXERCISE
19 FIVE DAYS A WEEK OUTSIDE OF THE CELL; TELEPHONE PRIVILEGES TO
20 ACCESS THE JUDICIAL PROCESS AND TO BE INFORMED OF FAMILY
21 EMERGENCIES AS DETERMINED BY THE LOCAL JAIL; AND ACCESS TO
22 PROGRAMS AND SERVICES THAT INCLUDE, BUT ARE NOT LIMITED TO,
23 EDUCATIONAL, RELIGIOUS, AND RECREATIONAL PROGRAMS AND MEDICAL,
24 DENTAL, AND BEHAVIORAL HEALTH SERVICES AND MEDICATIONS, UNLESS
25 PROVIDING THE ITEM, PROGRAM, OR SERVICE WOULD ENDANGER THE
26 SAFETY OF THE INDIVIDUAL, OTHER INMATES OR STAFF, OR THE SECURITY
27 OF THE LOCAL JAIL. IF THE LOCAL JAIL DOES NOT MAKE ANY OF THESE
28 ALLOWANCES, THE LOCAL JAIL SHALL DAILY DOCUMENT THE DENIAL OF
29 EACH ITEM, PROGRAM, OR SERVICE WITH A REASON FOR THE DENIAL.

30 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
31 A LOCAL JAIL MAY PLACE AN INDIVIDUAL ALONE IN A ROOM OR AREA FROM
32 WHICH EGRESS IS PREVENTED IF THE CONFINEMENT IS PART OF A ROUTINE
33 PRACTICE THAT IS APPLICABLE TO SUBSTANTIAL PORTIONS OF THE JAIL
34 POPULATION. THE CONFINEMENT MUST BE IMPOSED ONLY FOR THE
35 COMPLETION OF ADMINISTRATIVE OR SECURITY TASKS AND SHOULD LAST
36 NO LONGER THAN NECESSARY TO ACHIEVE THE TASK SAFELY AND
37 EFFECTIVELY. THE LOCAL JAIL SHALL DOCUMENT WHEN THE SITUATION
38 OCCURS AND FOR HOW LONG.

39 (4) A MEDICAL OR MENTAL HEALTH PROFESSIONAL SHALL ASSESS
40 ANY INDIVIDUAL PLACED IN RESTRICTIVE HOUSING WITHIN TWENTY-FOUR
41 HOURS OF PLACEMENT. THE PROFESSIONAL SHALL ASSESS FOR ANY
42 PSYCHIATRIC OR MEDICAL CONTRAINDICATIONS TO THE PLACEMENT. THE
43 LOCAL JAIL SHALL DOCUMENT FINDINGS AND OBSERVED BEHAVIORS OF

1 THE INDIVIDUAL.

2 (5) IF AN INDIVIDUAL WHO MEETS ONE OF THE CONDITIONS
3 DESCRIBED IN SUBSECTION (1) OF THIS SECTION RECEIVES LESS THAN
4 THREE HOURS OF OUT-OF-CELL TIME, THE LOCAL JAIL SHALL DOCUMENT
5 THE BASIS AND SHALL DOCUMENT THE TIME SPENT OUT OF CELL ON A
6 DAILY BASIS. THE DOCUMENTATION MUST INCLUDE ALL MEANINGFUL
7 HUMAN CONTACT THE INDIVIDUAL RECEIVED WHILE OUT OF CELL AND ANY
8 MENTAL OR MEDICAL SERVICES RECEIVED.

9 (6) EACH LOCAL JAIL SHALL PRODUCE WRITTEN POLICIES AND
10 PROCEDURES IN ACCORDANCE WITH THIS PART 3 AND PART 1 OF THIS
11 ARTICLE 26 AND SHALL POST THE POLICIES AND PROCEDURES ON THE
12 LOCAL JAIL'S WEBSITE.

13 **17-26-304. Screening in jails.** (1) A LOCAL JAIL SHALL USE AN
14 ADEQUATE SCREENING TOOL TO COMPLETE A HEALTH SCREENING OF EACH
15 INDIVIDUAL UPON ARRIVAL AT THE FACILITY BY HEALTH-TRAINED OR
16 QUALIFIED HEALTH-CARE PERSONNEL AS PART OF THE ADMISSION
17 PROCEDURES. THE SCREENING INCLUDES AT LEAST THE FOLLOWING:

18 (a) INQUIRY INTO:

19 (I) CURRENT AND PAST ILLNESSES, HEALTH CONDITIONS, OR
20 SPECIAL HEALTH REQUIREMENTS;

21 (II) HISTORY OF SUICIDAL IDEATION OR SELF-INJURIOUS BEHAVIOR
22 ATTEMPTS; PAST OR CURRENT SERIOUS MENTAL ILLNESS, INCLUDING
23 HOSPITALIZATIONS; AND HISTORY OF SPECIAL EDUCATION;

24 (III) ALL LEGAL AND ILLEGAL DRUG USE, INCLUDING ANY CURRENT
25 WITHDRAWAL SYMPTOMS;

26 (IV) CURRENT OR RECENT PREGNANCY;

27 (V) SERIOUS NEUROCOGNITIVE ISSUES SUCH AS PAST TRAUMATIC
28 BRAIN INJURIES OR DEMENTIA; AND

29 (VI) PRESENT OR PAST PRESCRIBED MEDICATIONS; AND

30 (b) OBSERVATION OF:

31 (I) GENERAL APPEARANCE AND BEHAVIOR, INCLUDING STATE OF
32 CONSCIOUSNESS, MENTAL STATUS, APPEARANCE, AND CONDUCT;

33 (II) PHYSICAL CONDITION, INCLUDING EASE OF MOVEMENT;

34 (III) EVIDENCE OF ABUSE OR TRAUMA AND THE CONDITION OF THE
35 INDIVIDUAL'S SKIN, INCLUDING BRUISES AND LESIONS; AND

36 (IV) BEHAVIOR, TREMORS, AND SWEATING.

37 (2) AN INDIVIDUAL MUST NOT BE PLACED IN RESTRICTIVE HOUSING
38 UNTIL THE HEALTH SCREENING REQUIRED BY SUBSECTION (1) OF THIS
39 SECTION IS COMPLETE AND HAS BEEN DOCUMENTED.

40 (3) IF LOCAL JAIL PERSONNEL WHO ARE HEALTH-TRAINED PERFORM
41 THE SCREENING, THE PERSONNEL SHALL CALL HEALTH STAFF IF PROBLEMS
42 ARE IDENTIFIED DURING THE SCREENING.

43 **SECTION 2.** In Colorado Revised Statutes, 17-26-118, **add** (5)

1 and (6) as follows:

2 **17-26-118. Criminal justice data collection - definitions -**
3 **repeal.** (5) (a) ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE THE
4 THIRD FRIDAY OF EACH JANUARY, APRIL, JULY, AND OCTOBER
5 THEREAFTER, THE KEEPER OF EACH LOCAL JAIL SHALL SUBMIT A
6 QUARTERLY REPORT OF THE DATA SPECIFIED IN THIS SUBSECTION (5) TO
7 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY
8 THROUGH AN ELECTRONIC FORM DESIGNED BY THE DIVISION. EACH
9 QUARTERLY REPORT MUST INCLUDE:

10 (I) FOR EACH INDIVIDUAL PLACED IN RESTRICTIVE HOUSING AS
11 DEFINED IN SECTION 17-26-302 (4), ANONYMIZED DATA BY MONTH THAT
12 INCLUDES:

13 (A) THE INDIVIDUAL'S SELF-IDENTIFIED RACE OR ETHNICITY,
14 GENDER, AND AGE;

15 (B) WHETHER THE INDIVIDUAL HAS ONE OF THE CONDITIONS
16 IDENTIFIED IN SECTION 17-26-303 (1) AND THE SPECIFIC CONDITION;

17 (C) THE PLACEMENT CLASSIFICATION OF THE INDIVIDUAL BEFORE
18 BEING PLACED IN RESTRICTIVE HOUSING;

19 (D) THE LENGTH OF TIME THE INDIVIDUAL WAS IN RESTRICTIVE
20 HOUSING;

21 (E) IF THE INDIVIDUAL WAS PLACED IN RESTRICTIVE HOUSING FOR
22 A DISCIPLINARY REASON;

23 (F) WHETHER THE INDIVIDUAL SUFFERED INJURY OR DEATH WHILE
24 PLACED IN RESTRICTIVE HOUSING AND THE MANNER AND CAUSE OF THE
25 INJURY OR DEATH;

26 (G) WHETHER THE INDIVIDUAL WAS CHARGED WITH A NEW
27 CRIMINAL OFFENSE WHILE IN RESTRICTIVE HOUSING AND, IF SO, THE
28 OFFENSE; AND

29 (H) HOW MANY TIMES THE LOCAL JAIL SOUGHT A WRITTEN ORDER
30 TO HOLD SOMEONE BEYOND FIFTEEN DAYS IN RESTRICTIVE HOUSING AND
31 THE OUTCOME;

32 (II) THE AVERAGE DAILY POPULATION OF THE LOCAL JAIL;

33 (III) HOW MANY INDIVIDUALS IN THE LOCAL JAIL POPULATION
34 HAVE:

35 (A) AN IDENTIFIED MENTAL ILLNESS;

36 (B) AN IDENTIFIED SUBSTANCE USE DISORDER;

37 (C) BOTH AN IDENTIFIED MENTAL ILLNESS AND SUBSTANCE USE
38 DISORDER;

39 (D) IDENTIFIED NEUROCOGNITIVE ISSUES SUCH AS DEMENTIA OR
40 TRAUMATIC BRAIN INJURY; AND

41 (E) ENGAGED IN SELF-HARMING BEHAVIOR WHILE IN THE LOCAL
42 JAIL.

43 **SECTION 3. Effective date.** This act takes effect upon passage;

1 except that section 1 of this act takes effect on July 1, 2022, and section
2 2 of this act takes effect on January 1, 2022.

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

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