

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0353.01 Owen Hatch x2698

HOUSE BILL 26-1039

HOUSE SPONSORSHIP

Carter and Ricks, Richardson

SENATE SPONSORSHIP

Jodeh and Weissman,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS FOR MUNICIPAL JAILS.**

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>.)

The bill requires municipal jails to comply with existing jail data collection requirements, standards, and oversight. The bill limits a municipal jail to holding a person for no longer than 72 hours.

The bill requires a keeper of a municipal jail to take all reasonable steps, prioritizing the health and welfare of the pregnant person, to release a pregnant person from custody if jail staff have a reasonable belief the person is in labor. If the pregnant person in labor is not released, the use of restraints is prohibited during the labor, delivery, and postpartum

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

recovery and the jail staff shall make a written record that the labor, delivery, and postpartum recovery occurred at the jail.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 2-3-1901.5
3 as follows:

4 **2-3-1901.5. Jail standards compliance.**

5 Each county jail shall comply with the standards adopted by the
6 legislative oversight committee pursuant to section 2-3-1901 (2).
7 ~~beginning July 1, 2026.~~ EACH MUNICIPAL JAIL, AS DESCRIBED IN SECTION
8 31-15-401, SHALL COMPLY WITH THE STANDARDS ADOPTED BY THE
9 COMMITTEE, BEGINNING JULY 1, 2027. The committee shall post the
10 standards on its website. If the committee revises a jail standard, each
11 county jail AND MUNICIPAL JAIL shall comply with the revised standard no
12 later than one year after the revision is adopted, or earlier if specified by
13 the committee when adopting the revision. A county jail OR MUNICIPAL
14 JAIL does not have to comply with a standard or revised standard if it
15 receives a variance from the standard pursuant to section 30-10-530
16 (5)(g).

17 **SECTION 2.** In Colorado Revised Statutes, **add** 17-26-101.5 as
18 follows:

19 **17-26-101.5. Jail operated by city.**

20 A MUNICIPAL JAIL, AS DESCRIBED IN SECTION 31-15-401, OPERATED
21 BY A CITY GOVERNMENT MUST COMPLY WITH ALL PROVISIONS IN THIS
22 ARTICLE 26 AND MUST BE MAINTAINED AT THE EXPENSE OF THE CITY. A
23 CITY MAY ACCEPT AND EXPEND FUNDS TO MAINTAIN A MUNICIPAL JAIL. ■

24 ■ ■ NOTHING IN THIS ARTICLE 26 COMPELS THE ERECTION OF A JAIL IN

1 A CITY.

2 SECTION 3. In Colorado Revised Statutes, **amend** 17-26-104.7
3 as follows:

4 17-26-104.7. **Prohibition against the use of restraints on**
5 **pregnant persons in custody.**

6 (1) (a) The staff of a county OR MUNICIPAL jail, in restraining a
7 ~~woman~~ PERSON who is committed, detained, or confined to ~~the~~ A county
8 OR MUNICIPAL jail, shall use the least restrictive restraints necessary to
9 ensure safety if the staff of the county OR MUNICIPAL jail have a
10 reasonable belief that the ~~woman~~ PERSON is pregnant. For the use of
11 restraints during labor, delivery, and postpartum recovery IN A COUNTY
12 JAIL, the staff shall comply with the "Protection of Individuals from
13 Restraint and Seclusion Act", article 20 of title 26. DESPITE THE RELEASE
14 REQUIREMENT IN SUBSECTION (1)(b) OF THIS SECTION, IF LABOR,
15 DELIVERY, OR POSTPARTUM RECOVERY OCCURS AT A MUNICIPAL JAIL FOR
16 A PREGNANT PERSON CHARGED WITH A VIOLATION OF A MUNICIPAL
17 ORDINANCE, USE OF RESTRAINTS IS PROHIBITED DURING THE LABOR,
18 DELIVERY, AND POSTPARTUM RECOVERY.

19 (b) THE KEEPER OF THE MUNICIPAL JAIL SHALL RELEASE A
20 PREGNANT PERSON CHARGED WITH A VIOLATION OF A MUNICIPAL
21 ORDINANCE FROM CUSTODY IF THE STAFF OF THE MUNICIPAL JAIL HAVE A
22 REASONABLE BELIEF THE PERSON IS IN LABOR, UNLESS REMAINING IN
23 CUSTODY IS NECESSARY FOR THE HEALTH OR WELFARE OF THE PREGNANT
24 PERSON. THE KEEPER OF THE JAIL SHALL OFFER THE PERSON
25 TRANSPORTATION TO THE HOSPITAL AND RELEASE THE PERSON ON AN
26 UNSECURED PERSONAL RECOGNIZANCE BOND WITH NO OTHER CONDITIONS
27 RETURNABLE TO THE MUNICIPAL COURT.

1 (2) (a) Repealed.

2 (b) The county OR MUNICIPAL jail or medical facility staff
3 authorizing the use of restraints on a pregnant person during labor or
4 delivery of the child shall make a written record of the use of the
5 restraints, which record shall MUST include, at a minimum, the type of
6 restraint used, the circumstances that necessitated the use of the restraint,
7 and the length of time the restraint was used. NOTWITHSTANDING THE
8 RELEASE REQUIREMENT DESCRIBED IN SUBSECTION (1)(b) OF THIS
9 SECTION, IF LABOR, DELIVERY, OR POSTPARTUM RECOVERY OCCURS AT A
10 MUNICIPAL JAIL FOR THE HEALTH OR WELFARE OF THE PREGNANT PERSON,
11 THE MUNICIPAL JAIL STAFF SHALL MAKE A WRITTEN RECORD, WHICH MUST
12 INCLUDE, AT A MINIMUM, WHETHER LABOR, DELIVERY, OR POSTPARTUM
13 RECOVERY OCCURRED AT THE MUNICIPAL JAIL, THE REASON THE
14 PREGNANT PERSON WAS NOT RELEASED FROM CUSTODY DURING LABOR,
15 AND THE DATE AND TIME LABOR OCCURRED. The sheriff OR, FOR A
16 MUNICIPAL JAIL, THE KEEPER OF THE MUNICIPAL JAIL shall retain the
17 record for a minimum of five years and shall make the record available
18 for public inspection with individually identifying information redacted
19 from the record unless the person who is the subject of the record gives
20 prior written consent for the public release of the record. The written
21 record of the use of restraint shall DOES not constitute a medical record
22 under state or federal law. No later than ~~February 15, 2022~~ FEBRUARY 15,
23 2027, and each February 15 thereafter, the sheriff OR KEEPER OF THE
24 MUNICIPAL JAIL shall submit the records created pursuant to this
25 subsection (2)(b) in the prior calendar year to the judiciary committees of
26 the senate and house of representatives, or their successor committees.

27 (3) Upon return to a county jail after childbirth, the woman shall

1 ~~be~~ PERSON WHO GAVE BIRTH IS entitled to have a member of the county
2 jail's or county's medical staff present during any strip search.

3 (4) When a ~~woman's~~ PERSON'S pregnancy is determined, the staff
4 of a county OR MUNICIPAL jail shall inform a THE pregnant ~~woman~~
5 PERSON committed, detained, or confined in a county OR MUNICIPAL jail
6 in writing in a language and in a manner understandable to the ~~woman~~
7 PREGNANT PERSON of the provisions of this section concerning the use of
8 restraints, ~~and~~ the presence of medical staff during a strip search, AND,
9 FOR PEOPLE IN LABOR AND IN CUSTODY OF THE MUNICIPAL JAIL, THE RIGHT
10 TO BE RELEASED.

11 (5) Each sheriff shall ensure that staff of the county jail receive
12 adequate training concerning the provisions of this section. EACH KEEPER
13 OF A MUNICIPAL JAIL FROM A CITY WITH A MUNICIPAL JAIL SHALL ENSURE
14 THAT STAFF OF THE MUNICIPAL JAIL RECEIVE ADEQUATE TRAINING
15 CONCERNING THE PROVISIONS OF THIS SECTION.

16 **SECTION 4.** In Colorado Revised Statutes, 17-26-118, **amend**
17 (1)(f) as follows:

18 **17-26-118. Criminal justice data collection - definitions.**

19 (1) As used in this section, unless the context otherwise requires:

20 (f) (I) "Jail facility" means any building, structure, enclosure,
21 institution, or place, whether permanent or temporary, fixed or mobile,
22 where persons are or may be lawfully held in custody or confined, that is
23 operated by a county, CITY, or city and county.

24 (II) "JAIL FACILITY" DOES NOT MEAN A HOLDING CELL AT A COURT
25 FACILITY, POLICE STATION, OR REFORM SCHOOL OPERATED BY A
26 MUNICIPALITY.

27 **SECTION 5.** In Colorado Revised Statutes, **add** 17-26-126.5 as

1 follows:

2 **17-26-126.5. Council members to examine city jail.**

3 IF A CITY HAS A MUNICIPAL JAIL THAT IS MAINTAINED AND
4 OPERATED BY THE CITY GOVERNMENT, THE GOVERNING BODY MEMBERS
5 SHALL, AS OFTEN AS THEY DEEM NECESSARY BUT AT LEAST ONCE A YEAR,
6 PERSONALLY EXAMINE THE MUNICIPAL JAIL. THE GOVERNING BODY
7 MEMBERS SHALL EXAMINE THE JAIL'S MANAGEMENT AND SUFFICIENCY
8 AND CORRECT ALL IRREGULARITIES AND IMPROPRIETIES FOUND DURING
9 THEIR EXAMINATION.

10 **SECTION 6.** In Colorado Revised Statutes, 24-31-118, **amend**
11 (1)(a), (1)(c), (1)(d), and (2) as follows:

12 **24-31-118. Jail standard assessments - repeal.**

13 (1) (a) The attorney general, in collaboration with the advisory
14 committee, pursuant to section 30-10-530 (5)(d), may conduct
15 assessments of each county jail AND MUNICIPAL JAIL to identify gaps and
16 deficiencies based on the jail standards.

17 (c) An elected sheriff OR A KEEPER OF A MUNICIPAL JAIL may
18 request that the attorney general conduct a special assessment of a jail that
19 the sheriff OR KEEPER OF THE MUNICIPAL JAIL oversees to determine
20 whether the jail meets the jail standards. The attorney general may
21 conduct the special assessment if the attorney general has sufficient
22 appropriations to cover the costs. The attorney general may request an
23 appropriation during the figure setting process to conduct special
24 assessments.

25 (d) The attorney general may enter into a memorandum of
26 understanding, collaborate, or enter into an agreement with a county
27 sheriff OR KEEPER OF A MUNICIPAL JAIL, except for a county sheriff OR

1 KEEPER OF A MUNICIPAL JAIL whose jail is being evaluated, or establish
2 some other peer review group structure to assist in conducting the
3 assessments and reports described in ~~section 24-31-118 (1) and (2)~~ THIS
4 SUBSECTION (1) AND SUBSECTION (2) OF THIS SECTION.

5 (2) The attorney general's office shall create a report for each of
6 the jails assessed by the attorney general's office and provide the report
7 to the sheriff OR KEEPER OF A MUNICIPAL JAIL whose jail was assessed; the
8 oversight committee; the board of county commissioners in the county
9 where the jail is located OR, FOR A MUNICIPAL JAIL, THE GOVERNING BODY
10 IN THE CITY WHERE THE JAIL IS LOCATED; the county sheriffs of Colorado;
11 and the governor. The report may include methodology, relevant data,
12 recommendations, and technical assistance to meet the jail standards. A
13 report produced pursuant to this section is not subject to the "Colorado
14 Open Records Act", PART 2 OF ARTICLE 72 OF THIS TITLE 24. The attorney
15 general may release a report at the attorney general's discretion, and a
16 county sheriff OR KEEPER OF THE MUNICIPAL JAIL may release a report
17 relating to the county sheriff's OR KEEPER OF THE MUNICIPAL JAIL'S jail
18 after consent from the attorney general's office.

19 **SECTION 7.** In Colorado Revised Statutes, 26-20-102, **amend**
20 (1)(a)(VII); and **add** (1)(a)(VIII) as follows:

21 **26-20-102. Definitions.**

22 As used in this article 20, unless the context otherwise requires:

23 (1) (a) "Agency" means:

24 (VII) A county jail, as described in section 17-26-101, for
25 restraints on a pregnant person in labor, delivery, or postpartum recovery;

26 OR

27 (VIII) A MUNICIPAL JAIL, AS DESCRIBED IN SECTION 17-26-101.5,

1 FOR RESTRAINTS ON A PREGNANT PERSON IN LABOR, DELIVERY, OR
2 POSTPARTUM RECOVERY.

3 **SECTION 8.** In Colorado Revised Statutes, 31-15-401, **amend**
4 **(1)(j)** as follows:

5 **31-15-401. General police powers - definition.**

6 (1) In relation to the general police power, the governing bodies
7 of municipalities have the following powers:

8 (j) (I) To establish and erect MUNICIPAL jails, correction centers,
9 and reform schools for ~~the reformation and confinement of loiterers and~~
10 ~~disorderly persons and persons convicted of violating any~~ A municipal
11 ordinance, to make rules and regulations for the government of ~~the same~~
12 MUNICIPAL JAILS, CORRECTION CENTERS, AND REFORM SCHOOLS, and to
13 appoint necessary officers and assistants therefor;

14 (II) AS USED IN THIS SUBSECTION (1)(j), UNLESS THE CONTEXT
15 OTHERWISE REQUIRES, "MUNICIPAL JAIL" MEANS A CITY OR TOWN JAIL,
16 DETENTION FACILITY, CORRECTIONAL CENTER, OR OTHER PENAL
17 INSTITUTION THAT IS OPERATED BY A MUNICIPALITY AND THAT IS USED TO
18 DETAIN PERSONS FACING CRIMINAL CHARGES AND PERSONS CONVICTED OF
19 CRIMES. A MUNICIPAL JAIL DOES NOT INCLUDE HOLDING CELLS AT COURT
20 FACILITIES, POLICE STATIONS, OR REFORM SCHOOLS.

21 **SECTION 9.** In Colorado Revised Statutes, 30-10-530, **amend**
22 **(2)(a)(IV)** and **(2)(a)(V)**; and **add (2)(a)(VI)** as follows:

23 **30-10-530. Jail standards advisory committee - creation -**
24 **duties - cash fund - definition - repeal.**

25 (2) (a) The jail standards advisory committee consists of:

26 (IV) One physical or behavioral health professional with
27 experience working in a jail appointed by the legislative oversight

1 committee for Colorado jail standards created in section 2-3-1901; and
2 (V) One person representing a statewide organization that
3 advocates on behalf of people experiencing incarceration appointed by
4 the legislative oversight committee for Colorado jail standards created in
5 section 2-3-1901; AND

6 (VI) ONE NONVOTING MEMBER WHO REPRESENTS A MUNICIPALITY,
7 APPOINTED BY A STATEWIDE ORGANIZATION REPRESENTING THE
8 INTERESTS OF MUNICIPALITIES, OR ITS SUCCESSOR ORGANIZATION.

9 **SECTION 10. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2026 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.