

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

REENGROSSED

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

LLS NO. 21-0349.02 Michael Dohr x4347

HOUSE BILL 21-1211

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A BILL FOR AN ACT

101 **CONCERNING REGULATIONS FOR RESTRICTIVE HOUSING IN LOCAL**
102 **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>.)

Beginning July 1, 2022, the bill prohibits a local jail with a bed capacity of over 400 beds from involuntarily placing an individual in restrictive housing if the individual meets any one of the following conditions:

- The individual is diagnosed with a serious mental health disorder or is exhibiting self-harm, grossly abnormal and

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
3rd Reading Unamended
April 12, 2021

HOUSE
Amended 2nd Reading
April 9, 2021

irrational behaviors, or breaks with reality or perceptions of reality indicating the presence of a serious mental health disorder;

- The individual has self-reported a serious mental health disorder;
- The individual has a significant auditory or visual impairment that cannot otherwise be accommodated;
- The individual is pregnant or in the postpartum period;
- The individual is significantly neurocognitively impaired by a condition such as dementia or a traumatic brain injury;
- The individual is under 18 years of age; or
- The individual has an intellectual or developmental disability.

Beginning July 1, 2021, the bill requires each local jail to keep and maintain a record of certain data regarding each individual placed in restrictive housing and certain data regarding each individual with a mental health condition or substance use condition and those transferred for a mental health hold.

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

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

4 **PART 3**

5 **RESTRICTIVE HOUSING IN JAILS**

6 **17-26-301. Legislative declaration.** (1) **THE GENERAL ASSEMBLY**
7 **FINDS THAT:**

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

12 (b) **ACCORDING TO THE NATIONAL COMMISSION ON**
13 **CORRECTIONAL HEALTH CARE, PROLONGED SOLITARY CONFINEMENT IS**
14 **CRUEL, INHUMANE, AND DEGRADING TREATMENT AND HARMFUL TO AN**
15 **INDIVIDUAL'S HEALTH, AND JUVENILES, INDIVIDUALS WITH SERIOUS**

1 MENTAL ILLNESS, AND PREGNANT WOMEN SHOULD BE EXCLUDED FROM
2 SOLITARY CONFINEMENT OF ANY DURATION;

3 (c) THE WORLD HEALTH ORGANIZATION, UNITED NATIONS, AND
4 OTHER INTERNATIONAL BODIES HAVE RECOGNIZED THAT SOLITARY
5 CONFINEMENT IS HARMFUL TO HEALTH;

6 (d) PSYCHOLOGICAL EFFECTS CAUSED BY PLACEMENT IN
7 ISOLATION CAN INCLUDE SELF-HARM, SUICIDE, PARANOIA, PSYCHOSIS,
8 COGNITIVE DISTURBANCES, PERCEPTUAL DISTORTIONS, OBSESSIVE
9 THOUGHTS, ANXIETY, AND DEPRESSION;

10 (e) STUDIES HAVE SHOWN THAT THE PSYCHOLOGICAL STRESS
11 CREATED FROM SOLITARY CONFINEMENT COMPARES TO THE DISTRESS OF
12 PHYSICAL TORTURE. ACCORDING TO UNITED STATES DISTRICT JUDGE
13 THELTON HENDERSON, PUTTING AN INDIVIDUAL WITH A SERIOUS MENTAL
14 ILLNESS IN SOLITARY CONFINEMENT IS THE EQUIVALENT OF PUTTING A
15 PERSON WITH ASTHMA IN A PLACE WITH LITTLE AIR.

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

22 (g) THE UNITED NATIONS STANDARD MINIMUM RULES FOR THE
23 TREATMENT OF PRISONERS STATE THAT SOLITARY CONFINEMENT SHOULD
24 BE PROHIBITED IN CASES INVOLVING CHILDREN AND IN THE CASE OF
25 ADULTS WITH MENTAL OR PHYSICAL DISABILITIES WHEN THEIR
26 CONDITIONS WOULD BE EXACERBATED BY SUCH MEASURES; AND

27 (h) INTERNATIONAL STANDARDS ESTABLISHED BY THE UNITED

1 NATIONS RULES FOR THE TREATMENT OF WOMEN PRISONERS AND
2 NON-CUSTODIAL MEASURES FOR WOMEN OFFENDERS STATE THAT
3 PREGNANT WOMEN SHOULD NEVER BE PLACED IN SOLITARY CONFINEMENT
4 AS THEY ARE ESPECIALLY SUSCEPTIBLE TO ITS HARMFUL PSYCHOLOGICAL
5 EFFECTS.

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

12 **17-26-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "INTELLECTUAL OR DEVELOPMENTAL DISABILITY" MEANS A
15 DISABILITY ATTRIBUTABLE TO AN INTELLECTUAL OR DEVELOPMENTAL
16 CONDITION, AS DEFINED IN THE LATEST EDITION OF THE DIAGNOSTIC AND
17 STATISTICAL MANUAL OF THE AMERICAN PSYCHIATRIC ASSOCIATION, OR
18 RELATED CONDITIONS CONSTITUTING A SEVERE OR PROFOUND DISABILITY.

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

22 (3) "MEDICAL PROFESSIONAL" MEANS A REGISTERED NURSE
23 REGISTERED PURSUANT TO SECTION 12-255-111, A PHYSICIAN ASSISTANT
24 LICENSED PURSUANT TO SECTION 12-240-113, OR A MEDICAL DOCTOR OR
25 DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO ARTICLE 240 OF TITLE
26 12.

27 (4) "MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL HEALTH

1 PROFESSIONAL LICENSED OR CERTIFIED PURSUANT TO ARTICLE 245 OF
2 TITLE 12, EXCEPT IT DOES NOT INCLUDE UNLICENSED PSYCHOTHERAPISTS
3 PURSUANT TO ARTICLE 245 OF TITLE 12; AN ADVANCED PRACTICE
4 REGISTERED NURSE REGISTERED PURSUANT TO SECTION 12-255-111 WITH
5 TRAINING IN SUBSTANCE USE DISORDERS OR MENTAL HEALTH; OR A
6 PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION 12-240-113 WITH
7 SPECIFIC TRAINING IN SUBSTANCE USE DISORDERS OR MENTAL HEALTH.

8 (5) "POSTPARTUM PERIOD" MEANS ONE YEAR AFTER A PREGNANCY
9 HAS ENDED.

10 (6) "RESTRICTIVE HOUSING" MEANS THE STATE OF BEING
11 INVOLUNTARILY CONFINED IN ONE'S CELL FOR APPROXIMATELY
12 TWENTY-TWO HOURS PER DAY OR MORE WITH VERY LIMITED OUT-OF-CELL
13 TIME, MOVEMENT, OR MEANINGFUL HUMAN INTERACTION WHETHER
14 PURSUANT TO DISCIPLINARY, ADMINISTRATIVE, OR CLASSIFICATION
15 ACTION.

16 (7) "SERIOUS MENTAL ILLNESS" MEANS ONE OR MORE
17 SUBSTANTIAL DISORDERS OF THE COGNITIVE, VOLITIONAL, OR EMOTIONAL
18 PROCESSES THAT GROSSLY IMPAIR JUDGMENT OR CAPACITY TO RECOGNIZE
19 REALITY OR TO CONTROL BEHAVIOR AND THAT SUBSTANTIALLY INTERFERE
20 WITH THE PERSON'S ABILITY TO MEET THE ORDINARY DEMANDS OF LIVING.
21 THESE CAN INCLUDE, BUT ARE NOT LIMITED TO, A PSYCHOTIC DISORDER,
22 BIPOLAR DISORDER, OR MAJOR DEPRESSIVE DISORDER OR ANY DIAGNOSED
23 MENTAL DISORDER, EXCEPT FOR SUBSTANCE USE DISORDERS, CURRENTLY
24 ASSOCIATED WITH SERIOUS IMPAIRMENT OF PSYCHOLOGICAL, COGNITIVE,
25 OR BEHAVIORAL FUNCTIONING.

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

27 (1) A LOCAL JAIL SHALL NOT INVOLUNTARILY PLACE AN INDIVIDUAL IN

1 RESTRICTIVE HOUSING, INCLUDING FOR DISCIPLINARY REASONS, IF THE
2 INDIVIDUAL MEETS ANY ONE OF THE FOLLOWING CONDITIONS:

3 (a) THE INDIVIDUAL IS DIAGNOSED WITH A SERIOUS MENTAL
4 ILLNESS OR IS EXHIBITING GROSSLY ABNORMAL OR IRRATIONAL
5 BEHAVIORS OR BREAKS WITH REALITY OR PERCEPTIONS OF REALITY
6 INDICATING THE PRESENCE OF A SERIOUS MENTAL ILLNESS;

7 (b) THE INDIVIDUAL HAS SELF-REPORTED A SERIOUS MENTAL
8 ILLNESS OR IS EXHIBITING SELF-HARM, UNLESS A LICENSED MENTAL
9 HEALTH PROFESSIONAL OR PSYCHIATRIST EVALUATES THE INDIVIDUAL
10 AND FINDS SERIOUS MENTAL ILLNESS IS NOT PRESENT;

11 (c) THE INDIVIDUAL HAS A SIGNIFICANT AUDITORY OR VISUAL
12 IMPAIRMENT THAT CANNOT OTHERWISE BE ACCOMMODATED;

13 (d) THE INDIVIDUAL IS PREGNANT OR IN THE POSTPARTUM PERIOD;

14 (e) THE INDIVIDUAL IS SIGNIFICANTLY NEUROCOGNITIVELY
15 IMPAIRED BY A CONDITION SUCH AS DEMENTIA OR A TRAUMATIC BRAIN
16 INJURY;

17 (f) THE INDIVIDUAL IS UNDER EIGHTEEN YEARS OF AGE; OR

18 (g) THE INDIVIDUAL HAS AN INTELLECTUAL OR DEVELOPMENTAL
19 DISABILITY.

20 (2) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
21 THIS SECTION, AN INDIVIDUAL WHO MEETS ONE OF THE CONDITIONS
22 DESCRIBED IN SUBSECTION (1) OF THIS SECTION MAY BE PLACED IN
23 RESTRICTIVE HOUSING ONLY IF:

24 (I) ANY INDICATION OF PSYCHOLOGICAL DISTRESS IS PRESENT AND
25 THE JAIL TRANSFERRED THE INDIVIDUAL TO A HEALTH-CARE FACILITY TO
26 RECEIVE TREATMENT AND THE INDIVIDUAL IS REFUSED TREATMENT OR IS
27 DETERMINED NOT TO MEET THE CRITERIA FOR ADMISSION IN SECTION

1 27-65-105 BY THE HEALTH-CARE FACILITY; AND

2 (II) THE INDIVIDUAL POSES AN IMMINENT DANGER TO THEMSELVES
3 OR OTHERS; AND

4 (III) NO OTHER LESS RESTRICTIVE OPTION IS AVAILABLE AND THE
5 INDIVIDUAL IS NOT RESPONDING TO ONGOING DE-ESCALATION
6 TECHNIQUES.

7 (b) WHEN AN INDIVIDUAL IS PLACED IN RESTRICTIVE HOUSING
8 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE LOCAL JAIL SHALL
9 DOCUMENT THE FACTS AND CIRCUMSTANCES, INCLUDING OBSERVATIONS
10 AND FINDINGS OF ALL MEDICAL AND MENTAL HEALTH PROFESSIONALS AND
11 LOCAL JAIL STAFF THAT LEAD TO PLACING THE INDIVIDUAL INTO
12 RESTRICTIVE HOUSING, WHEN THE LOCAL JAIL STAFF'S OBSERVATIONS
13 OCCURRED, ANY EFFORTS TO AVOID PLACEMENT OF THE INDIVIDUAL INTO
14 RESTRICTIVE HOUSING, AND A DESCRIPTION OF ALL ALTERNATIVES AND
15 INTERVENTIONS THAT WERE ATTEMPTED TO AVOID RESTRICTIVE HOUSING.
16 THE LOCAL JAIL SHALL ALSO INCLUDE IN THE DOCUMENTATION ANY
17 INJURIES EXPERIENCED BY THE INDIVIDUAL AND THE LOCAL JAIL STAFF OR
18 OTHER MEDICAL ISSUES EXHIBITED BY THE INDIVIDUAL IN THE PROCESS OF
19 PLACING THE INDIVIDUAL IN RESTRICTIVE HOUSING. IN CIRCUMSTANCES
20 IN WHICH THE LOCAL JAIL WAS UNABLE TO EMPLOY LESS RESTRICTIVE
21 ALTERNATIVES, THE LOCAL JAIL SHALL DESCRIBE THE DANGEROUS,
22 EMERGENT BEHAVIOR THAT PRECLUDED USE OF LESS RESTRICTIVE
23 ALTERNATIVES.

24 (c) THE LOCAL JAIL SHALL NOTIFY ITS MEDICAL OR MENTAL
25 HEALTH PROFESSIONALS IN WRITING WHEN AN INDIVIDUAL IS
26 INVOLUNTARILY PLACED IN RESTRICTIVE HOUSING WITHIN ONE HOUR OF
27 THE PLACEMENT.

1 (d) THE LOCAL JAIL SHALL NOTIFY THE INDIVIDUAL'S APPOINTED
2 OR RETAINED LEGAL REPRESENTATIVE, DESIGNATED EMERGENCY
3 CONTACT, OR LEGAL GUARDIAN WITHIN TWELVE HOURS OF THE
4 INDIVIDUAL'S INVOLUNTARY PLACEMENT AND REMOVAL IN RESTRICTIVE
5 HOUSING.

6 (e) AT LEAST EVERY FIFTEEN MINUTES, A MEDICAL OR MENTAL
7 HEALTH PROFESSIONAL OR LOCAL JAIL STAFF SHALL CHECK, FACE-TO-FACE
8 OR THROUGH A WINDOW, ON AN INDIVIDUAL INVOLUNTARILY PLACED IN
9 RESTRICTIVE HOUSING PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.
10 IF THE INDIVIDUAL IS DEMONSTRATING UNUSUAL OR BIZARRE BEHAVIOR
11 OR SELF-HARM, THE LOCAL JAIL STAFF SHALL MONITOR THE INDIVIDUAL
12 MORE FREQUENTLY UNLESS A MEDICAL OR MENTAL HEALTH PROFESSIONAL
13 RECOMMENDS OTHERWISE. AT EACH CHECK, THE MEDICAL OR MENTAL
14 HEALTH PROFESSIONAL OR LOCAL JAIL STAFF SHALL DOCUMENT THE
15 BEHAVIORS OF THE INDIVIDUAL.

16 (f) EVERY TWENTY-FOUR HOURS, A MEDICAL OR MENTAL HEALTH
17 PROFESSIONAL SHALL ASSESS, FACE-TO-FACE, THE INDIVIDUAL
18 INVOLUNTARILY PLACED IN RESTRICTIVE HOUSING. THE PROFESSIONAL
19 SHALL ASSESS FOR ANY PSYCHIATRIC OR MEDICAL CONTRAINDICATIONS TO
20 THE PLACEMENT. THE MEDICAL OR MENTAL HEALTH PROFESSIONAL SHALL
21 DOCUMENT THE INDIVIDUAL'S BEHAVIORS AND NEED FOR ONGOING
22 PLACEMENT IN RESTRICTIVE HOUSING OR SHALL DOCUMENT AN OPINION
23 THAT RESTRICTIVE HOUSING IS NO LONGER REQUIRED.

24 (g) FOR ANY INDIVIDUAL WHO MEETS ONE OF THE CONDITIONS
25 DESCRIBED IN SUBSECTION (1) OF THIS SECTION WHO IS PLACED IN
26 RESTRICTIVE HOUSING, IMMEDIATELY AFTER PLACEMENT AND
27 THROUGHOUT THE INDIVIDUAL'S STAY IN RESTRICTIVE HOUSING, THE

1 LOCAL JAIL SHALL PROVIDE THE INDIVIDUAL A CLEAR EXPLANATION OF
2 THE REASON THE INDIVIDUAL HAS BEEN PLACED IN RESTRICTIVE HOUSING,
3 THE MONITORING PROCEDURES THAT THE LOCAL JAIL WILL EMPLOY TO
4 CHECK THE INDIVIDUAL, THE DATE AND THE TIME, WHEN THE INDIVIDUAL'S
5 NEXT COURT DATE IS, AND THE BEHAVIORAL CRITERIA THE INDIVIDUAL
6 MUST DEMONSTRATE TO BE RELEASED FROM RESTRICTIVE HOUSING. THE
7 LOCAL JAIL MUST PROVIDE THIS INFORMATION TO THE INDIVIDUAL'S LEGAL
8 REPRESENTATION AND, IF THE INDIVIDUAL GIVES PERMISSION, TO A FAMILY
9 MEMBER OR OTHER DESIGNATED PERSON.

10 (h) (I) WHEN AN INDIVIDUAL IS PLACED IN RESTRICTIVE HOUSING
11 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE LOCAL JAIL SHALL
12 NOT HOLD THE INDIVIDUAL IN RESTRICTIVE HOUSING FOR MORE THAN
13 FIFTEEN DAYS IN A THIRTY-DAY TIME PERIOD WITHOUT A WRITTEN COURT
14 ORDER.

15 (II) IF A LOCAL JAIL WANTS TO HOLD AN INDIVIDUAL PLACED IN
16 RESTRICTIVE HOUSING PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION
17 FOR MORE THAN FIFTEEN DAYS IN A THIRTY-DAY PERIOD, THE LOCAL JAIL
18 MUST OBTAIN A WRITTEN COURT ORDER. A COURT SHALL GRANT THE
19 COURT ORDER IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE
20 THAT:

21 (A) THE INDIVIDUAL POSES AN IMMINENT DANGER TO HIMSELF OR
22 HERSELF OR OTHERS;

23 (B) NO ALTERNATIVE LESS-RESTRICTIVE PLACEMENT IS
24 AVAILABLE;

25 (C) THE JAIL HAS EXHAUSTED ALL OTHER PLACEMENT
26 ALTERNATIVES; AND

27 (D) NO OTHER OPTIONS EXIST, INCLUDING RELEASE FROM

1 CUSTODY.

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

20 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
21 A LOCAL JAIL MAY PLACE AN INDIVIDUAL ALONE IN A ROOM OR AREA FROM
22 WHICH EGRESS IS PREVENTED IF THE CONFINEMENT IS PART OF A ROUTINE
23 PRACTICE THAT IS APPLICABLE TO SUBSTANTIAL PORTIONS OF THE JAIL
24 POPULATION. THE CONFINEMENT MUST BE IMPOSED ONLY FOR THE
25 COMPLETION OF ADMINISTRATIVE OR SECURITY TASKS AND SHOULD LAST
26 NO LONGER THAN NECESSARY TO ACHIEVE THE TASK SAFELY AND
27 EFFECTIVELY. THE LOCAL JAIL SHALL DOCUMENT WHEN THE SITUATION

1 OCCURS AND FOR HOW LONG.

2 (4) A MEDICAL OR MENTAL HEALTH PROFESSIONAL SHALL ASSESS
3 ANY INDIVIDUAL PLACED IN RESTRICTIVE HOUSING WITHIN TWENTY-FOUR
4 HOURS OF PLACEMENT. THE PROFESSIONAL SHALL ASSESS FOR ANY
5 PSYCHIATRIC OR MEDICAL CONTRAINDICATIONS TO THE PLACEMENT. THE
6 LOCAL JAIL SHALL DOCUMENT FINDINGS AND OBSERVED BEHAVIORS OF
7 THE INDIVIDUAL.

8 (5) THE LOCAL JAIL SHALL DOCUMENT THE TIME SPENT OUT OF
9 CELL ON A DAILY BASIS. THE DOCUMENTATION MUST INCLUDE ALL
10 MEANINGFUL HUMAN CONTACT THE INDIVIDUAL RECEIVED WHILE OUT OF
11 CELL AND ANY MENTAL OR MEDICAL SERVICES RECEIVED.

12 (6) IF AN INDIVIDUAL WILLINGLY AND VOLUNTARILY DOES NOT
13 WISH TO LEAVE HIS OR HER CELL, THE JAIL IS NOT REQUIRED TO
14 FORCEFULLY REMOVED AN INDIVIDUAL FROM HIS OR HER CELL IN ORDER
15 TO COMPLY WITH THIS SECTION. JAIL STAFF SHALL MAKE A REASONABLE
16 ATTEMPT TO PERSUADE AND ALLOW THE INDIVIDUAL TO LEAVE HIS OR HER
17 CELL VOLUNTARILY AND SHALL DOCUMENT THESE ATTEMPTS WHEN THE
18 INDIVIDUAL REFUSES TO LEAVE HIS OR HER CELL.

19 (7) EACH LOCAL JAIL SHALL PRODUCE WRITTEN POLICIES AND
20 PROCEDURES IN ACCORDANCE WITH THIS PART 3 AND PART 1 OF THIS
21 ARTICLE 26 AND SHALL POST THE POLICIES AND PROCEDURES ON THE
22 LOCAL JAIL'S WEBSITE.

23 **17-26-304. Screening in jails.** (1) A LOCAL JAIL SHALL USE AN
24 ADEQUATE SCREENING TOOL TO COMPLETE A HEALTH SCREENING OF EACH
25 INDIVIDUAL UPON ARRIVAL AT THE FACILITY BY HEALTH-TRAINED OR
26 QUALIFIED HEALTH-CARE PERSONNEL AS PART OF THE ADMISSION
27 PROCEDURES. THE SCREENING INCLUDES AT LEAST THE FOLLOWING:

- 1 (a) INQUIRY INTO:
- 2 (I) CURRENT AND PAST ILLNESSES, HEALTH CONDITIONS, OR
- 3 SPECIAL HEALTH REQUIREMENTS;
- 4 (II) HISTORY OF SUICIDAL IDEATION OR SELF-INJURIOUS BEHAVIOR
- 5 ATTEMPTS; PAST OR CURRENT SERIOUS MENTAL ILLNESS, INCLUDING
- 6 HOSPITALIZATIONS; AND HISTORY OF SPECIAL EDUCATION;
- 7 (III) ALL LEGAL AND ILLEGAL DRUG USE, INCLUDING ANY CURRENT
- 8 WITHDRAWAL SYMPTOMS;
- 9 (IV) CURRENT OR RECENT PREGNANCY;
- 10 (V) SERIOUS NEUROCOGNITIVE ISSUES SUCH AS PAST TRAUMATIC
- 11 BRAIN INJURIES OR DEMENTIA; AND
- 12 (VI) PRESENT OR PAST PRESCRIBED MEDICATIONS; AND
- 13 (b) OBSERVATION OF:
- 14 (I) GENERAL APPEARANCE AND BEHAVIOR, INCLUDING STATE OF
- 15 CONSCIOUSNESS, MENTAL STATUS, APPEARANCE, AND CONDUCT;
- 16 (II) PHYSICAL CONDITION, INCLUDING EASE OF MOVEMENT;
- 17 (III) EVIDENCE OF ABUSE OR TRAUMA AND THE CONDITION OF THE
- 18 INDIVIDUAL'S SKIN, INCLUDING BRUISES AND LESIONS; AND
- 19 (IV) BEHAVIOR, TREMORS, AND SWEATING.
- 20 (2) AN INDIVIDUAL MUST NOT BE PLACED IN RESTRICTIVE HOUSING
- 21 UNTIL THE HEALTH SCREENING REQUIRED BY SUBSECTION (1) OF THIS
- 22 SECTION IS COMPLETE AND HAS BEEN DOCUMENTED.
- 23 (3) IF LOCAL JAIL PERSONNEL WHO ARE HEALTH-TRAINED PERFORM
- 24 THE SCREENING, THE PERSONNEL SHALL CALL A MEDICAL OR MENTAL
- 25 HEALTH PROFESSIONAL IF INDICATIONS OF A POSITIVE SCREEN ARE
- 26 IDENTIFIED DURING THE SCREENING.

27 **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

1 OFFENSE; AND

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

5 (II) HOW MANY INDIVIDUALS IN THE LOCAL JAIL POPULATION
6 HAVE:

7 (A) AN IDENTIFIED MENTAL ILLNESS;

8 (B) AN IDENTIFIED SUBSTANCE USE DISORDER;

9 (C) BOTH AN IDENTIFIED MENTAL ILLNESS AND SUBSTANCE USE
10 DISORDER;

11 (D) IDENTIFIED NEUROCOGNITIVE ISSUES SUCH AS DEMENTIA OR
12 TRAUMATIC BRAIN INJURY; AND

13 (E) ENGAGED IN SELF-HARMING BEHAVIOR WHILE IN THE LOCAL
14 JAIL.

15 **SECTION 3. Effective date.** This act takes effect upon passage;
16 except that section 1 of this act takes effect on July 1, 2022, and section
17 2 of this act takes effect on January 1, 2022.

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