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An Act

HOUSE BILL 22-1063

BY REPRESENTATIVE(S) Amabile and Benavidez, Bacon, Bernett, Boesenecker, Cutter, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kipp, Lindsay, Lontine, McCormick, Ricks, Titone, Van Winkle, Weissman;

also SENATOR(S) Coleman and Cooke, Bridges, Buckner, Ginal, Gonzales, Hansen, Jaquez Lewis, Lee, Moreno.

CONCERNING CREATION OF A JAIL STANDARDS COMMISSION TO STANDARDIZE THE OPERATION OF COLORADO JAILS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** part 19 to article 3 of title 2 as follows:

PART 19 COLORADO JAIL STANDARDS COMMISSION

2-3-1901. Legislative oversight committee for Colorado jail standards - creation - duties. (1) **Creation.** (a) THERE IS CREATED A LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING COLORADO JAIL

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

STANDARDS, REFERRED TO IN THIS PART 19 AS THE "COMMITTEE".

(b) THE COMMITTEE CONSISTS OF SIX MEMBERS. THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THE MEMBERS OF THE COMMITTEE AS FOLLOWS:

(I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS TO SERVE ON THE COMMITTEE AND DESIGNATE ONE OF THE SENATORS AS THE VICE-CHAIR OF THE COMMITTEE, AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE SENATOR TO SERVE ON THE COMMITTEE;

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO REPRESENTATIVES TO SERVE ON THE COMMITTEE AND DESIGNATE ONE OF THE REPRESENTATIVES AS THE CHAIR OF THE COMMITTEE, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT ONE REPRESENTATIVE TO SERVE ON THE COMMITTEE;

(III) THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL MAKE THEIR APPOINTMENTS BY JULY 1, 2022. IN THE CASE OF A VACANCY, THE PERSON MAKING THE ORIGINAL APPOINTMENT OR REAPPOINTMENT SHALL FILL ANY VACANCY BY APPOINTMENT.

(c) (I) MEMBERS OF THE COMMITTEE MAY RECEIVE PAYMENT OF PER DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES AUTHORIZED PURSUANT TO SECTION 2-2-307.

(II) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL SUPPLY STAFF ASSISTANCE TO THE COMMITTEE, BUT SHALL NOT SUPPLY STAFF ASSISTANCE TO ANY SUBCOMMITTEES CREATED BY THE COMMITTEE.

(2) **Duties.** (a) THE COMMITTEE SHALL MEET NO MORE THAN FOUR TIMES EACH YEAR.

(b) THE COMMITTEE IS RESPONSIBLE FOR THE OVERSIGHT OF THE

COMMISSION. THE CHAIR OF THE COMMITTEE SHALL ESTABLISH ORGANIZATIONAL RULES AND PROCEDURAL RULES AS ARE NECESSARY FOR THE OPERATION OF THE COMMISSION.

(c) THE COMMITTEE MAY INTRODUCE UP TO A TOTAL OF THREE BILLS, JOINT RESOLUTIONS, OR CONCURRENT RESOLUTIONS DURING THE 2024 LEGISLATIVE SESSION. BILLS THAT THE COMMITTEE INTRODUCES ARE EXEMPT FROM THE FIVE-BILL LIMITATION SPECIFIED IN RULE 24 (b)(1)(A) OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. JOINT RESOLUTIONS AND CONCURRENT RESOLUTIONS THAT THE COMMITTEE INTRODUCES ARE EXEMPT FROM THE LIMITATIONS SET OUT IN RULE 26 (g) OF THE RULES OF THE HOUSE OF REPRESENTATIVES AND RULE 30 (f) OF THE RULES OF THE SENATE. THE COMMITTEE IS EXEMPT FROM THE REQUIREMENT TO REPORT BILLS OR OTHER MEASURES TO THE LEGISLATIVE COUNCIL AS SPECIFIED IN RULE 24 (b)(1)(D) AND RULE 24A (d)(8) OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND IN SECTION 2-3-303 (1)(f), COLORADO REVISED STATUTES. THE COMMITTEE IS SUBJECT TO RULE 24A OF THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES, EXCEPT TO THE EXTENT THAT THE RULE MAY CONFLICT WITH THIS PART 19. BILLS RECOMMENDED BY THE COMMITTEE MUST BE INTRODUCED BY THE INTRODUCTION DEADLINE FOR HOUSE BILLS SPECIFIED IN RULE 23 (a)(1) OF THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES. THE CHAIR AND VICE-CHAIR SHALL JOINTLY ESTABLISH THE LAST DATE FOR THE MEETING AT WHICH THE COMMITTEE MAY APPROVE BILL REQUESTS, THE LAST DATE BY WHICH COMMITTEE MEMBERS MUST FINALIZE BILL DRAFTS OR BY WHICH BILL DRAFTS WILL BE DEEMED FINALIZED FOR FISCAL NOTE PURPOSES, AND THE LAST DATE BY WHICH THE COMMITTEE WILL CONSIDER AND TAKE FINAL ACTION ON BILL DRAFTS.

(d) THE COMMITTEE SHALL RECEIVE AND APPROVE THE REPORT OF THE COMMISSION REQUIRED BY SECTION 2-3-1903 (2).

2-3-1902. Colorado jail standards commission - creation - membership. (1) THE COLORADO JAIL STANDARDS COMMISSION IS CREATED AND REFERRED TO IN THIS PART 19 AS THE "COMMISSION". THE COMMISSION SHALL RECOMMEND STANDARDS FOR THE SAFE AND EFFECTIVE OPERATION OF COLORADO'S COUNTY JAILS, REFERRED TO IN THIS PART 19 AS "JAILS".

(2) THE COMMISSION IS COMPOSED OF THE FOLLOWING TWENTY-TWO

MEMBERS:

(a) FIVE SHERIFFS OR SENIOR JAIL ADMINISTRATORS, APPOINTED BY THE STATEWIDE ORGANIZATION REPRESENTING COUNTY:

(I) ONE FROM A COUNTY IN EACH COUNTY CATEGORY I-IV, AS DEFINED BY SECTION 30-2-102; AND

(II) ONE FROM EITHER A CATEGORY V OR CATEGORY VI COUNTY, AS DEFINED BY SECTION 30-2-102;

(b) TWO COUNTY COMMISSIONERS, APPOINTED BY THE STATEWIDE ORGANIZATION REPRESENTING COUNTY COMMISSIONERS:

(I) ONE FROM EITHER A COUNTY CATEGORY I OR II COUNTY, AS DEFINED BY SECTION 30-2-102; AND

(II) ONE FROM A CATEGORY III, IV, V, OR VI COUNTY, AS DEFINED BY SECTION 30-2-102;

(c) THREE PERSONS WITH LIVED EXPERIENCE OF BEING INCARCERATED OR HAVING A FAMILY MEMBER WHO IS OR WAS INCARCERATED IN A JAIL, APPOINTED BY A STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS OF THE INCARCERATED IN COLORADO;

(d) ONE MENTAL HEALTH PROFESSIONAL WITH EXPERIENCE WORKING IN A JAIL, APPOINTED BY A STATEWIDE ORGANIZATION ADVOCATING FOR MENTAL HEALTH IN COLORADO;

(e) ONE PERSON REPRESENTING COMPETENCY SERVICES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

(f) ONE PERSON REPRESENTING THE BEHAVIORAL HEALTH ADMINISTRATION, APPOINTED BY THE COMMISSIONER OF THE BEHAVIORAL HEALTH ADMINISTRATION;

(g) ONE PERSON REPRESENTING POLICE OFFICERS, APPOINTED BY THE PRESIDENT OF A STATEWIDE ORGANIZATION REPRESENTING POLICE OFFICERS;

(h) ONE PERSON REPRESENTING A LESBIAN, GAY, BISEXUAL,

TRANSGENDER, OR QUEER ADVOCACY ORGANIZATION, APPOINTED BY A STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS OF THE INCARCERATED IN COLORADO;

(i) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING FOR THE RIGHTS OF PEOPLE WITH DEVELOPMENTAL DISABILITIES, APPOINTED BY A STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS OF THE INCARCERATED IN COLORADO;

(j) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING FOR THE RIGHTS OF PEOPLE OF COLOR, APPOINTED BY A STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS OF THE INCARCERATED IN COLORADO;

(k) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING FOR THE RIGHTS OF PERSONS WITH MENTAL OR PHYSICAL DISABILITIES, APPOINTED BY A STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS OF THE INCARCERATED IN COLORADO;

(l) ONE NON-LAW-ENFORCEMENT PERSON WITH EXPERIENCE WORKING IN A JAIL, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY;

(m) THE STATE PUBLIC DEFENDER OR THE STATE PUBLIC DEFENDER'S DESIGNEE;

(n) ONE PERSON REPRESENTING DISTRICT ATTORNEYS, APPOINTED BY THE COLORADO DISTRICT ATTORNEYS' COUNCIL; AND

(o) ONE PERSON REPRESENTING THE DEPARTMENT OF PUBLIC SAFETY WITH EXPERTISE IN JAIL OPERATIONS, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

(3) THE INITIAL COMMISSION MEMBERS MUST BE APPOINTED BY JULY 1, 2022.

(4) THE FIRST MEETING OF THE COMMISSION MUST BE HELD BY JULY 31, 2022. THE COMMISSION SHALL MEET MONTHLY. THE CHAIR OF THE COMMITTEE SHALL APPOINT A CHAIR AND VICE-CHAIR FROM AMONG THE COMMISSION MEMBERS. THE CHAIR OF THE COMMISSION SHALL SET THE

MEETING DATES AND TIMES.

2-3-1903. Commission - duties - report. (1) THE COMMISSION SHALL RECOMMEND STANDARDS IN COMPLIANCE WITH STATE AND FEDERAL LAW FOR ALL ASPECTS OF JAIL OPERATIONS AS FOLLOWS:

(a) RECEPTION AND RELEASE, INCLUDING:

(I) IDENTIFYING THE ARRESTING, TRANSPORTING, OR COMMITTING OFFICER;

(II) RECORDING INMATE INFORMATION IN A BOOKING AND IDENTIFICATION RECORD FOR EVERY COMMITMENT;

(III) IDENTIFYING INMATES DURING RECEPTION BY PHOTOGRAPH, IDENTIFICATION BRACELET, OR OTHER MEANS;

(IV) PROVIDING ACCESS TO TELEPHONES AFTER THE RECEPTION PROCESS;

(V) SEARCHING, CONFISCATING, INVENTORYING, AND SECURING OF UNAUTHORIZED ITEMS;

(VI) CONFISCATION, COUNTING, AND SECURING OF MONEY OR ANY FORM OF CURRENCY;

(VII) SECURING THE INMATE'S SIGNATURE AND REQUIREMENTS FOR WITNESS SIGNATURES ON A COMPLETED INVENTORY OF ITEMS AND MONEY CONFISCATED;

(VIII) STRIP SEARCHES AND BODY CAVITY SEARCHES CONSISTENT WITH COLORADO LAW;

(IX) DETERMINING WHEN AN INMATE SHOULD RECEIVE A SHOWER;

(X) PROVIDING INMATES WITH CLEAN UNIFORM CLOTHING OR STANDARDS FOR WEARING PERSONAL CLOTHING;

(XI) THE AMOUNT OF TIME INMATES ARE CONFINED IN THE RECEPTION AREA;

(XII) THE POSSESSION OF MONEY BY INMATES, INCLUDING PROVISIONS TO PREVENT INMATE GAMBLING, THEFT, AND EXTORTION;

(XIII) PROVIDING INMATES WITH A LIST OF GENERALLY APPLICABLE INMATE RULES;

(XIV) ASSISTING INMATES IN UNDERSTANDING THESE RULES IF THERE ARE LITERACY OR LANGUAGE OBSTACLES;

(XV) OBTAINING SIGNED ACKNOWLEDGMENT FROM INMATES OF RECEIPT AND UNDERSTANDING OF RULES;

(XVI) ENSURING THE SAFETY OF MALE, FEMALE, AND NONBINARY INMATES DURING RECEPTION;

(XVII) VERIFYING INMATES' IDENTIFICATION AND RELEASE DOCUMENTATION;

(XVIII) DOCUMENTING AN INMATE'S RELEASE TO ANOTHER AGENCY;

(XIX) OBTAINING A RECEIPT FROM THE INMATE OR THE RECEIVING OFFICER, AS APPROPRIATE, FOR ALL PROPERTY RETURNED AT THE TIME OF RELEASE OR TRANSFER;

(XX) CONFINING JUVENILES WHEN PERMITTED BY COURT ORDER PURSUANT TO SECTION 19-2.5-305;

(XXI) SCREENING AND ASSESSMENT FOR PHYSICAL DISABILITIES, MENTAL OR BEHAVIORAL HEALTH DISORDERS, TRAUMATIC BRAIN INJURIES, OR DEVELOPMENTAL DISABILITIES;

(XXII) PROVIDING ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES AS REQUIRED BY ALL APPLICABLE STATE AND FEDERAL LAW; AND

(XXIII) CONSIDERING AGE AS A FACTOR IN THE CLASSIFICATION OF INMATES;

(b) CLASSIFICATION OF INMATES, INCLUDING:

(I) A WRITTEN INMATE CLASSIFICATION SYSTEM THAT SPECIFIES THE CRITERIA AND PROCEDURES FOR DETERMINING AND CHANGING THE CLASSIFICATION OF INMATES TO DETERMINE THE LEVEL OF CUSTODY REQUIRED, SPECIAL NEEDS, HOUSING ASSIGNMENT, AND PARTICIPATION IN PROGRAMMING;

(II) HOUSING MALE, FEMALE, AND NONBINARY INMATES SEPARATELY BY SIGHT AND TOUCH, AND OUT OF RANGE OF NORMAL CONVERSATION WITH EACH OTHER;

(III) SUPERVISING MALE, FEMALE, AND NONBINARY INMATES WHEN PLACED TOGETHER FOR PROGRAMMING, TRANSPORTATION, OR OTHER SIMILAR ACTIVITIES;

(IV) HOUSING VIOLENT AND NONVIOLENT INMATES SEPARATELY;

(V) SUPERVISING VIOLENT AND NONVIOLENT INMATES WHEN PLACED TOGETHER FOR PROGRAMMING, TRANSPORTATION, OR OTHER SIMILAR ACTIVITIES;

(VI) HOUSING JUVENILE AND ADULT INMATES SEPARATELY;

(VII) SUPERVISING JUVENILE AND ADULT INMATES WHEN PLACED TOGETHER FOR PROGRAMMING, DINING, TRANSPORTATION, OR OTHER SIMILAR ACTIVITIES;

(VIII) ENSURING JUVENILE INMATES HAVE ACCESS TO LARGE-MUSCLE EXERCISE, EDUCATION, WORK OPPORTUNITIES, AND OTHER DEVELOPMENTALLY APPROPRIATE PROGRAMMING;

(IX) EVALUATING AND SELECTING INMATES FOR WORK WHILE INCARCERATED;

(X) HOUSING INMATES PARTICIPATING IN WORK OR EDUCATIONAL RELEASE PROGRAMS SEPARATELY FROM THE GENERAL POPULATION; AND

(XI) ESTABLISHING THE ACCEPTABLE PERSONAL AND HYGIENE ITEMS PROVIDED TO INMATES IN THE GENERAL POPULATION;

(c) SECURITY, INCLUDING:

- (I) ESTABLISHING A SECURITY PERIMETER;
- (II) ESTABLISHING A SECURE BOOKING AND RELEASE AREA;
- (III) IF INSTALLED, ENSURING CLOSED-CIRCUIT TELEVISIONS ARE OPERATIONAL AND PRECLUDE THE MONITORING OF SHOWER, TOILET, AND CLOTHING EXCHANGE AREAS;
- (IV) TWO-WAY COMMUNICATIONS BETWEEN CENTRAL CONTROL, STAFFED POSTS, AND INMATE-OCCUPIED AREAS;
- (V) HAVING EQUIPMENT NECESSARY TO MAINTAIN UTILITIES, COMMUNICATIONS, SECURITY, LIFE-SAVING DEVICES, AND FIRE PROTECTION IN AN EMERGENCY AND SCHEDULES TO TEST, REPAIR, AND REPLACE EQUIPMENT IN A TIMELY MANNER;
- (VI) PROCEDURES GOVERNING AVAILABILITY, CONTROL INVENTORY, STORAGE, AND USE OF FIREARMS, LESS-THAN-LETHAL DEVICES, AND RELATED SECURITY DEVICES AND SPECIFYING THE LEVEL OF AUTHORITY REQUIRED FOR THEIR ACCESS AND USE;
- (VII) USE OF AND AUTHORIZATION FOR CHEMICAL AGENTS AND ELECTRICAL DISABLERS;
- (VIII) RESTRICTIONS FOR ACCESS TO STORAGE AREAS;
- (IX) SEPARATING STORAGE SPACE FROM INMATE HOUSING OR ACTIVITY AREAS;
- (X) ENSURING THE SAFETY OF MALE, FEMALE, AND NONBINARY INMATES DURING RECEPTION;
- (XI) INMATE SEARCHES WHEN INMATES ENTER OR LEAVE THE JAIL'S SECURITY PERIMETER TO CONTROL CONTRABAND;
- (XII) PROCEDURES AND PRACTICES GOVERNING STRIP AND BODY CAVITY SEARCHES;
- (XIII) EMERGENCY PLANS, INCLUDING TRAINING FOR JAIL PERSONNEL IN THE IMPLEMENTATION OF EMERGENCY PLANS, AND

PROCEDURES TO BE FOLLOWED IN SITUATIONS THAT THREATEN JAIL SECURITY;

(XIV) LOGGING ROUTINE INFORMATION, EMERGENCY SITUATIONS, AND UNUSUAL INCIDENTS;

(XV) COUNTING TO VERIFY EACH INMATE'S PHYSICAL PRESENCE AND IDENTIFICATION, INCLUDING THE NUMBER OF OFFICIAL DAILY COUNTS, RECONCILIATION OF JAIL COUNTS, AND RECORDING OF JAIL COUNTS;

(XVI) PERSONAL OBSERVATION CHECKS OF INMATES, INCLUDING REGULAR AND VARIABLE TIMING OF SUCH CHECKS AND DOCUMENTATION OF SUCH CHECKS;

(XVII) POLICIES FOR ADDRESSING THE MANAGEMENT OF INMATES WITH SPECIALIZED PHYSICAL AND MENTAL OR BEHAVIORAL HEALTH NEEDS;

(XVIII) USE OF PHYSICAL AND MECHANICAL RESTRAINTS, INCLUDING AUTHORIZING USE OF PHYSICAL RESTRAINTS AND MONITORING AND RECORDING THE CHECKS OF INMATES IN RESTRAINTS;

(XIX) DEFINING JUSTIFIABLE SELF-DEFENSE, PREVENTING SELF-INFLICTED HARM, PROTECTION OF OTHERS, RIOT PREVENTION, DISCHARGE OF A FIREARM OR OTHER WEAPON, ESCAPE OR OTHER CRIME, AND CONTROLLING OR SUBDUING AN INMATE WHO REFUSES TO OBEY A STAFF COMMAND OR ORDER;

(XX) DEFINING DE-ESCALATION STRATEGIES AND THE LIMITS OF THE AMOUNT OF FORCE NECESSARY TO CONTROL A GIVEN SITUATION, AND SPECIFYING THAT IN NO CIRCUMSTANCE IS PHYSICAL FORCE TO BE USED AS PUNISHMENT;

(XXI) SPECIFYING THAT AN EXAMINATION, TREATMENT, AND PHOTOGRAPHIC DOCUMENTATION BY QUALIFIED HEALTH-CARE PERSONNEL IS PROVIDED TO INMATES OR STAFF INVOLVED IN A USE OF FORCE INCIDENT WHEN THERE IS OBVIOUS PHYSICAL INJURY OR THERE IS A COMPLAINT OF INJURY OR REQUEST FOR MEDICAL ATTENTION;

(XXII) SPECIFYING WHEN AND HOW AN INCIDENT WILL BE RECORDED AND REVIEWED BY THE JAIL ADMINISTRATOR OR DESIGNEE;

(XXIII) SEARCHES OF JAILS AND INMATES TO CONTROL CONTRABAND;

(XXIV) TIMING FOR INSPECTING INMATE-ACCESSIBLE AREAS;

(XXV) TIMING FOR A SECURITY INSPECTION OF THE JAIL;

(XXVI) NOTIFYING THE JAIL ADMINISTRATOR OR DESIGNEE OF ANY DISCOVERED CONTRABAND OR PHYSICAL SECURITY DEFICIENCIES;

(XXVII) DOCUMENTING THE DISPOSITION OF CONTRABAND AND THE REMEDIATION OF PHYSICAL SECURITY DEFICIENCIES;

(XXVIII) CONTROLLING INMATE MOVEMENT FROM ONE AREA TO ANOTHER;

(XXIX) STAFF SUPERVISION AND SEARCHES OF AN INMATE PERFORMING WORK;

(XXX) ENSURING AN INMATE IS NOT GIVEN CONTROL OF OR AUTHORITY OVER ANY OTHER INMATE, SECURITY FUNCTION, OR SERVICE ACTIVITY;

(XXXI) REQUIRING SAME-GENDER AND CROSS-GENDER SUPERVISION GUIDELINES;

(XXXII) CONTROLLING AND INVENTORYING KEYS, TOOLS, AND CULINARY EQUIPMENT;

(XXXIII) ENSURING TOXIC, CORROSIVE, AND FLAMMABLE SUBSTANCES AND TOOLS ARE SECURED, USED ONLY BY AUTHORIZED PERSONS, USED BY INMATES ONLY UNDER DIRECT SUPERVISION, AND USED ONLY IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS; AND

(XXXIV) REQUIREMENTS THAT EACH JAIL HAVE POLICIES GOVERNING STAFF DISCIPLINE, INCLUDING COMPLAINTS AGAINST OFFICERS, THAT ARE AVAILABLE FOR PUBLIC INSPECTION;

(d) HOUSING, INCLUDING:

(I) SUFFICIENT SPACE STANDARDS REGARDING SQUARE FOOTAGE AND MAXIMUM OCCUPANCY FIGURES FOR ALL HOUSING AND HOLDING AREAS, INCLUDING HOLDING CELLS, HOUSING CELLS, DORMITORIES, DAY ROOMS, AND EATING AREAS;

(II) SUFFICIENT SEATING FOR ALL HOLDING AREAS, HOLDING CELLS, HOUSING CELLS, DORMITORIES, DAY ROOMS, AND EATING AREAS FOR EACH INMATE;

(III) AIR CIRCULATION FOR HOUSING CELLS;

(IV) TEMPERATURE STANDARDS AND MECHANICAL CONTROLS FOR ACCEPTABLE COMFORT LEVELS;

(V) ACCESS TO SANITATION FACILITIES WITHOUT STAFF ASSISTANCE;

(VI) A MINIMUM NUMBER OF TOILET FACILITIES, SHOWER FACILITIES, AND WASH BASINS FOR A SPECIFIED NUMBER OF OCCUPANTS;

(VII) WATER TEMPERATURE STANDARDS AND CONTROLS;

(VIII) MAXIMUM NOISE LEVELS MEASURED IN DECIBELS AND STANDARDS FOR MEASUREMENTS TO ENSURE COMPLIANCE;

(IX) NATURAL LIGHT PROVIDED IN HOUSING UNITS, DORMS, CELLS, AND DAY SPACES; AND

(X) STANDARDS FOR SUSPENDING AND REINSTATING INMATE ACCESS TO CLOTHING, BEDS, BEDDING, TOILETS, LAVATORIES, AND SHOWERS BY THE JAIL ADMINISTRATOR OR DESIGNEE;

(e) SANITATION AND ENVIRONMENTAL CONDITIONS, INCLUDING:

(I) PROVIDING INMATES WITH HYGIENE ITEMS AT INTAKE AND REPLACEMENT ITEMS TO INDIGENT INMATES;

(II) SAFETY AND SANITARY STANDARDS FOR ALL AREAS OF THE JAIL, INCLUDING FOOD SERVICE AND LAUNDRY AREAS;

(III) DEFINING STAFF AND INMATE HOUSEKEEPING RESPONSIBILITIES,

INCLUDING DAILY CLEANING OF TOILETS, URINALS, SINKS, DRINKING FACILITIES, AND SHOWERS IN AREAS OCCUPIED BY INMATES, AND DISPOSAL OF GARBAGE;

(IV) TIMING AND PROCESSES FOR INSPECTING FOR SANITATION AND VERMIN;

(V) MAINTENANCE AND REPAIRS;

(VI) INSPECTIONS BY LOCAL OR STATE HEALTH AUTHORITIES;

(VII) NIGHTTIME LIGHTING OF GROUNDS, WALKWAYS, DRIVEWAYS, AND PARKING AREAS;

(VIII) INTERIOR LIGHTING STANDARDS;

(IX) BEDDING AND MATTRESS STANDARDS, INCLUDING THAT THE BEDDING AND MATTRESS ARE IN GOOD REPAIR AND CLEANED PRIOR TO BEING REISSUED;

(X) TIMING AND DOCUMENTATION FOR THE EXCHANGE AND LAUNDERING OF BED LINENS, BLANKETS, TOWELS, CLOTHING, AND UNDERGARMENTS;

(XI) TIMING TO CLEAN MATTRESSES;

(XII) A REQUIREMENT THAT WHEN SOILED, BEDDING, MATTRESSES, TOWELS, AND CLOTHING BE EXCHANGED OR CLEANED;

(XIII) INMATE HAIRCUTS;

(XIV) SHAVING EQUIPMENT AND SUPPLIES AND DOCUMENTING ISSUANCE AND RETRIEVAL OF SHAVING EQUIPMENT; AND

(XV) TIMING OF INSPECTION BY A CERTIFIED LOCAL OR STATE FIRE SAFETY INSPECTOR APPLYING THE APPLICABLE JURISDICTIONAL AND STATE FIRE CODE, REQUIREMENTS FOR A WRITTEN FIRE SAFETY PLAN APPROVED BY LOCAL FIRE OFFICIALS THAT IS REVIEWED ANNUALLY AND UPDATED AS NEEDED, REQUIREMENTS FOR TRAINING IN JAIL FIRE SAFETY EQUIPMENT, REQUIREMENTS FOR FIRE DRILLS, REQUIREMENTS FOR JAIL FURNISHINGS TO

MEET FIRE SAFETY PERFORMANCE STANDARDS, AND REQUIREMENTS FOR JAIL EXITS TO BE CLEAR AND THAT EVACUATION ROUTES BE POSTED OR CLEARLY MARKED THROUGHOUT THE JAIL;

(f) COMMUNICATION, INCLUDING:

(I) DELIVERING INCOMING OR OUTGOING MAIL OR CORRESPONDENCE VIA THE POSTAL SERVICE;

(II) OPENING AND INSPECTING INCOMING INMATE MAIL, CORRESPONDENCE, AND PACKAGES TO INTERCEPT NONPERMITTED ITEMS;

(III) OPENING AND INSPECTING OUTGOING MAIL;

(IV) DOCUMENTING PROCEDURES FOR THE APPROPRIATE DISPOSITION OF INTERCEPTED ITEMS;

(V) PERMITTING LEGAL MAIL OR CORRESPONDENCE TO BE OPENED AND INSPECTED IN THE PRESENCE OF THE INMATE TO INTERCEPT CONTRABAND;

(VI) CIRCUMSTANCES IN WHICH MAIL, CORRESPONDENCE, AND PACKAGES ARE WITHHELD OR REJECTED, INCLUDING NOTIFICATION TO THE INMATE;

(VII) WRITING MATERIALS, ENVELOPES, AND POSTAGE FOR INDIGENT INMATES;

(VIII) INMATE E-MAIL SERVICE;

(IX) INMATE TELEPHONE SERVICE; AND

(X) ACCESS TO LEGAL COUNSEL;

(g) VISITATION, INCLUDING:

(I) A SECURE VISITING AREA, INCLUDING STANDARDS FOR PHYSICALLY SEPARATING THE INMATE AND VISITOR AND CAPABILITIES FOR TWO-WAY CONVERSATIONS AND NONOBSURED VISITS OR VIDEO VISITS;

- (II) SEATING IN THE VISITATION AREA;
- (III) IDENTIFICATION REQUIREMENTS FOR VISITORS;
- (IV) REGISTRY REQUIREMENTS FOR VISITORS;
- (V) GENERAL VISITATION HOURS;
- (VI) VIDEO VISITATION HOURS;
- (VII) VISITOR SECURITY PROTOCOLS TO PREVENT CONTRABAND FROM ENTERING THE JAIL;
- (VIII) VISIT RESTRICTIONS BASED ON THREATS TO SAFETY OR SECURITY;
- (IX) MONITORING AND RECORDING VISITS, PHONE CALLS, AND ELECTRONIC COMMUNICATIONS; AND
- (X) PROFESSIONAL VISITS BY LEGAL COUNSEL OR CLERGY, INCLUDING MEASURES TO PROTECT CONFIDENTIALITY;
- (h) HEALTH CARE, MENTAL AND BEHAVIORAL HEALTH CARE, AND DENTAL CARE, INCLUDING:
 - (I) ALL LEVELS OF HEALTH CARE, MENTAL AND BEHAVIORAL HEALTH CARE, AND DENTAL CARE THAT ASSURE QUALITY, ACCESSIBILITY, AND TIMELY SERVICES FOR INMATES;
 - (II) ARRANGING CARE FROM AN APPROPRIATE OUTSIDE PROVIDER WHEN CARE IS NOT AVAILABLE AT THE JAIL;
 - (III) REQUIRING THAT MEDICAL, MENTAL, AND BEHAVIORAL HEALTH DECISIONS AND ACTIONS ARE MADE ONLY BY QUALIFIED HEALTH-CARE AND MENTAL AND BEHAVIORAL HEALTH-CARE PROFESSIONALS;
 - (IV) REQUIRING THAT AN INMATE IS NOT DENIED NECESSARY CARE;
 - (V) REQUIRING THAT ALL EXAMINATIONS, TREATMENTS, AND PROCEDURES ARE GOVERNED BY INFORMED CONSENT PRACTICES APPLICABLE

IN THE JAIL'S JURISDICTION;

(VI) REQUIRING THAT THE JAIL ASSESS THE HEALTH OF EACH INMATE AT INTAKE AND ON AN ONGOING BASIS AND CREATE A PLAN TO PROVIDE CONTINUITY OF CARE FOR INMATES WHO ARE BEING TREATED FOR A HEALTH CONDITION;

(VII) PROVIDING EMERGENCY CARE, SICK CHECKS, AND PHYSICAL HEALTH CARE, MENTAL AND BEHAVIORAL HEALTH CARE, AND DENTAL CARE THAT ENSURES NEEDS ARE:

(A) ADDRESSED IN A TIMELY MANNER;

(B) RECORDED AND MAINTAINED ON FILE; AND

(C) REVIEWED BY QUALIFIED HEALTH-CARE PERSONNEL WITH TREATMENT OR FOLLOW-UP PROVIDED;

(VIII) DISPENSING AND ADMINISTERING PRESCRIBED MEDICATIONS, INCLUDING:

(A) REQUIRING THAT HEALTH-TRAINED PERSONNEL OR PROFESSIONALLY TRAINED PERSONNEL DISPENSE AND ADMINISTER MEDICATIONS;

(B) REQUIRING ADEQUATE MANAGEMENT OF CONTROLLED MEDICATIONS;

(C) PROVIDING MEDICATION TO INMATES IN SPECIAL MANAGEMENT UNITS;

(D) REQUIRING THE APPLICABLE INFORMED CONSENT PRACTICES IN THE JAIL'S JURISDICTION BE FOLLOWED; AND

(E) DEVELOPING A STANDARDIZED FORMULARY AND A PROCESS FOR ACCESSING MEDICATIONS NOT LISTED WHEN MEDICALLY NECESSARY;

(IX) REDUCING SUICIDE BY IDENTIFYING AT-RISK INMATES AND TRAINING STAFF MEMBERS ON HOW TO RECOGNIZE VERBAL AND BEHAVIORAL CUES THAT INDICATE POTENTIAL SUICIDE AND HOW TO RESPOND

APPROPRIATELY;

(X) PROVIDING INFECTIOUS DISEASE CONTROL;

(XI) PROVIDING CARE FOR PREGNANT INMATES; AND

(XII) ASSESSING AND REPORTING INMATE DEATHS;

(i) FOOD SERVICE, INCLUDING:

(I) NUTRITIONAL STANDARDS;

(II) TIMING AND FREQUENCY OF MEALS;

(III) SPECIAL DIETS; AND

(IV) SAFE STORAGE AND PREPARATION OF FOOD;

(j) RECREATION AND PROGRAMMING, INCLUDING:

(I) REGULAR ACCESS TO EXERCISE AND EQUIPMENT FOR INMATES;

(II) TELEVISION VIEWING AND TABLE GAMES;

(III) READING MATERIALS;

(IV) TREATMENT FOR ALCOHOL AND DRUG ABUSE;

(V) ACADEMIC TRAINING;

(VI) PSYCHOLOGICAL AND SOCIAL SERVICES AND OTHER
COMMUNITY SERVICES; AND

(VII) RELIGIOUS PRACTICE;

(k) INMATE DISCIPLINARY PROCESSES, INCLUDING:

(I) STANDARDS FOR RESTRICTIVE HOUSING;

(II) PROHIBITED ACTS OR CONDUCT, DEGREES OF VIOLATIONS,

RANGES OF PENALTIES, AND DISCIPLINARY HEARING PROCEDURES;

(III) A SANCTION SCHEDULE FOR RULE VIOLATIONS;

(IV) ESTABLISHING FUNDAMENTAL RIGHTS FOR INMATES THAT CANNOT BE SUSPENDED EXCEPT IN AN EMERGENCY OR OTHER CONDITION BEYOND THE CONTROL OF THE JAIL ADMINISTRATOR;

(V) BANNING THE USE OF CORPORAL PUNISHMENT, DISCIPLINE ADMINISTERED BY INMATES, AND WITHHOLDING FOOD FROM INMATES;

(VI) CIRCUMSTANCES UNDER WHICH A DISCIPLINARY HEARING IS CONDUCTED;

(VII) PRE-DISCIPLINARY HEARING REQUIREMENTS;

(VIII) ESTABLISHING A MINIMUM PERIOD AFTER RECEIVING WRITTEN NOTIFICATION OF A RULE VIOLATION TO ALLOW AN INMATE TO PREPARE FOR THE DISCIPLINARY HEARING;

(IX) DISCIPLINARY HEARING REQUIREMENTS THAT INCLUDE ENSURING DUE PROCESS PROTECTIONS ARE AFFORDED; AND

(X) THE OPPORTUNITY TO APPEAL DISCIPLINARY ACTIONS TO THE JAIL ADMINISTRATOR OR DESIGNEE;

(I) RESTRICTIVE HOUSING, INCLUDING:

(I) WRITTEN POLICIES AND PROCEDURES GOVERNING THE RESTRICTIVE HOUSING OF INMATES FROM THE GENERAL POPULATION;

(II) BANNING THE USE OF RESTRICTIVE HOUSING AS A PENALTY;

(III) CIRCUMSTANCES WHEN RESTRICTIVE HOUSING MAY BE USED TO SEPARATE AN INMATE FROM THE GENERAL POPULATION;

(IV) WRITTEN NOTIFICATIONS OF RESTRICTIVE HOUSING TO THE INMATE; AND

(V) TIMING FOR REVIEW OF RESTRICTIVE HOUSING;

(m) INMATE GRIEVANCES, INCLUDING:

(I) ESTABLISHING A WRITTEN GRIEVANCE PROCEDURE FOR INMATES WITH AT LEAST ONE LEVEL OF APPEAL; AND

(II) PROHIBITING RETALIATION BY STAFF BASED ON AN INMATE GRIEVANCE;

(n) JAIL STAFFING, INCLUDING:

(I) QUALIFICATIONS FOR STAFF TO SUPERVISE AND CONTROL INMATES;

(II) PRE-EMPLOYMENT BACKGROUND CHECKS;

(III) STANDARDIZED PERFORMANCE REVIEWS;

(IV) STAFFING PLANS;

(V) POSTS AND FUNCTIONS;

(VI) GENDER OF STAFF;

(VII) REVIEW OF STAFFING PLANS;

(VIII) REQUIRING REVIEW OF THE STAFFING PLANS AT LEAST ONCE A YEAR BY THE JAIL ADMINISTRATOR AND REVISED AS NEEDED;

(IX) VOLUNTEER POLICIES;

(X) CODE OF ETHICS; AND

(XI) STAFF TRAINING STANDARDS FOR ALL LEVELS OF EMPLOYEES;
AND

(o) INMATE PREROGATIVES REGARDING:

(I) EXPRESSION AND COMMUNICATION;

(II) RELIGIOUS PRACTICE;

(III) ACCESS TO THE COURTS;

(IV) ACCESS TO LEGAL COUNSEL, INCLUDING THE ABILITY FOR LEGAL COUNSEL TO CONTACT A CLIENT BY SCHEDULING A TELEPHONE OR VIDEO MEETING;

(V) ACCESS TO LEGAL MATERIALS AND DISABILITY RIGHTS;

(VI) ACCESS TO THE MEDIA;

(VII) STANDARDS FOR WHEN ACCESS TO EDUCATION IS APPROPRIATE; AND

(VIII) DISCIPLINARY ACTION AND USE OF FORCE.

(2) THE COMMISSION SHALL COMPLETE A REPORT THAT INCLUDES ITS RECOMMENDATIONS REGARDING THE FEASIBILITY OF JAILS OF VARIOUS SIZES AND THEIR ABILITY TO IMPLEMENT THE RECOMMENDATIONS AND PRESENT IT TO THE COMMITTEE FOR APPROVAL BY NOVEMBER 15, 2023. THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL SUPPLY STAFF ASSISTANCE TO THE COMMISSION, INCLUDING ASSISTING WITH COMPLETING THE REPORT. THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL NOT SUPPLY STAFF ASSISTANCE TO ANY SUBCOMMITTEES CREATED BY THE COMMISSION.

2-3-1904. Repeal of part. THIS PART 19 IS REPEALED, EFFECTIVE JULY 1, 2024.

SECTION 2. In Session Laws of Colorado 2021, **amend** section 4 of chapter 322 as follows:

Section 4. **Effective date.** This act takes effect upon passage; except that section 1 of this act takes effect on ~~July 1, 2022~~ JULY 1, 2023, and section 2 of this act takes effect on January 1, 2022.

SECTION 3. Appropriation. For the 2022-23 state fiscal year, \$96,039 is appropriated to the legislative department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$90,379 for use by the legislative council, which amount is based on an assumption that the council will require an additional 0.9 FTE; and

(b) \$5,660 for use by the general assembly.

SECTION 4. 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.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO