

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0302.02 Jessica Herrera x4218

HOUSE BILL

HOUSE SPONSORSHIP

Garcia,

SENATE SPONSORSHIP

Amabile,

25-1050 House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AN EXCEPTION TO THE REQUIREMENT THAT A COUNTY
102 WITH A POPULATION OF TWO THOUSAND OR MORE MAINTAIN ITS
103 OWN COUNTY JAIL FOR A COUNTY THAT ENTERS INTO AN
104 INTERGOVERNMENTAL AGREEMENT FOR A
105 MULTIJURISDICTIONAL COUNTY JAIL.

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

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.

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.

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; and

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

10 (2) Therefore, the general assembly finds and declares that it is
11 necessary to incentivize small counties to consolidate county jails to
12 ensure detainees and prisoners from small counties have necessary
13 resources.

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

16 **17-26-101. Jail in each county.** (1) EXCEPT AS PROVIDED IN
17 SUBSECTION (2) OF THIS SECTION, there ~~shall be~~ IS maintained in each
18 county in this state, at the expense of the county, a county jail for the
19 detention, safekeeping, and confinement of persons and prisoners
20 lawfully committed. Nothing in this ~~article shall be construed to compel~~
21 ARTICLE 26 COMPELS the erection of jails in counties having a population
22 of less than two thousand or when the county owns a jail erected in any
23 other place in the county.

1 (2) A COUNTY THAT MAINTAINS AN INTERGOVERNMENTAL
2 AGREEMENT OR ANY OTHER CONTRACT WITH AT LEAST ONE OTHER
3 COUNTY FOR THE SAFEKEEPING OR CONFINEMENT OF PERSONS OR
4 PRISONERS LAWFULLY COMMITTED IS NOT REQUIRED TO MAINTAIN A
5 COUNTY JAIL WITHIN THE JURISDICTIONAL PHYSICAL BOUNDARIES OF SUCH
6 COUNTY.

7 **SECTION 3. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.