

2022

Regulatory Agenda Report



COLORADO
Department of Corrections

Overview

The Colorado Department of Corrections submits the following 2021-22 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colorado Revised Statute 2-7-203(4). Pursuant to state law, annually on November 1, executive branch agencies must file a Departmental Regulatory Agenda containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous Departmental Regulatory Agenda was filed.

The Departmental Regulatory Agenda also includes, pursuant to Colorado Revised Statute 24-4-103.3, rules to be reviewed as part of the Department “Regulatory Efficiency Reviews” during 2021-22 (which are denoted in the “purpose” column). The Departmental Regulatory Agenda is to be filed with the Legislative Council staff for distribution to Committee(s) of reference, posted on the department’s website, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its Departmental Regulatory Agenda as a part of its “Smart Act” hearing and presentation pursuant to the Colorado Revised Statute 2-7-203(2)(a)(III)(A).

The following constitutes Colorado Department of Corrections Departmental Regulatory Agenda for 2021-22 and is provided in accordance with Colorado Revised Statute 24-7-203(2)(a)(IV):

Schedule Month, Year	Rule Number and Title	Division/ Board/ Program	New rule, revision, or repeal	Statutory or Other Basis	Purpose	Stakeholders
June 2021	No administrative regulation change required. Resources made available.	Human Resources	N/A - in compliance	HB 21-1015, Security Protections Criminal Justice Personnel	Public safety employees may request from local government to have personal information on the internet removed.	DOC staff
October 2021	No policy or procedure established yet.	Clinical Services, Behavioral Health, Mental Health	Task Force/Working Group established; still in the planning stage. Pilot facility will be LVCF. Information received from Mind Source, Brain Injury Alliance of Colorado, University of Denver.	SB 21-138, Improve Brain Injury Support In Criminal Justice System	To increase awareness of and training surrounding brain injuries for criminal justice professionals, expand screening and identification for people in the criminal justice system who have been identified as having a significant brain injury, and integrate the Colorado brain injury model more broadly throughout the criminal justice system.	Offenders, Clinical Staff, Community, Behavioral Health, Division of Adult Parole.
June 2021	AR 550-10 , Assisting Offenders Applying for Colorado State ID's, Replacement Social Security Cards, and Birth Certificates	Prison Operations, Offender Services	AR 550-10 (current practice)	SB 21-153, Department of Corrections Offender Identification Assistance Program	Upon release from a correctional facility, the offender's identification documents, including a state-issued identification card.	Department of Revenue, offenders, community, Re-Entry.

<p>June 2021</p>	<p>No administrative regulation change required.</p>	<p>Communications/Telephone Services</p>	<p>N/A</p>	<p>HB 21-1201, Transparency Telecommunications Correctional Facilities</p>	<p>Communications service providers who provide penal communications services to correctional facilities to maintain data related to the services provided to those facilities. Establish a maximum per-minute rate for in-state debit, prepaid, and collect calls to or from facilities.</p>	<p>Department of Regulatory Agencies, Offenders, Constituents.</p>
<p>September 2021</p>	<p>AR 550-13, SNP, AR 250-15, Community Corrections, AR 250-22, ISP, AR 250-29, Earned/Early Parole, AR 550-07, Assisting Offenders Applying for Disability and/or Medicaid Benefits AR 550-08, Pre Parole Planning</p>	<p>Prison Operations, Clinical and Correctional Services, Community Corrections, Adult Parole, Planning and Analysis, Legal Services, New department under Parole = Transitional Services/Benefit Acquisition Unit</p>	<p><i>All Revised</i> AR 250-15, Community Corrections AR 250-22 Intensive Supervision Program for Inmates AR 250-29, Earned/Early Parole AR 550-07, Assisting Offenders Applying for Disability and/or Medicaid Benefits AR 550-08, Pre Parole Planning AR 550-13, Special Needs Parole</p>	<p>SB 21-146, Improve Prison Release Outcomes</p>	<p>1) Changes the eligibility criteria for inmates who are eligible for special needs parole 2) Competency Evaluator - Incompetent to proceed creates public defender parole liaison. 3) Ensure that any inmate who is 65 years of age or older and is being released from prison is enrolled in Medicare or health insurance. 4) New offense of unauthorized absence all youthful offender system (YOS) staff to be trained in the first 45 days. 5) YOS study</p>	<p>State Public Defender, Parole Board, Offenders, Prison Operations Clinical and Correctional Services, Adult Parole, Planning and Analysis.</p>

<p>July 2021</p>	<p>AR 700-12, Birth Control, Pregnancy and AR 650-xx, Mother Bonding Program (NEW).</p>	<p>Clinical and Correctional Services</p>	<p>AR 700-12 being reviewed and revised currently, AR 650-xx (NEW) sent to Denver Complex Management team and IGs office for review.</p>	<p>SB 21-193, Protection Of Pregnant People In Perinatal Period</p>	<ol style="list-style-type: none"> 1. Prohibition against the use of restraints on pregnant inmates in the custody of correctional facilities and private contract prisons. 2. Provide each pregnant person, during the person’s pregnancy and through the person’s postpartum period, with access to: <ol style="list-style-type: none"> 1) perinatal health-care providers with perinatal experience; and 2) healthy foods and information on nutrition, recommended activity levels, safety measures, and supplies, including menstrual products, and breast pumps. 3) provide counseling and treatment for pregnant people. 4) develop administrative policies to identify and offer opportunities for postpartum persons to maintain contact with the person’s newborn 	<p>Department of Health, Clinical and Correctional Services, Female offenders, community, offender families.</p>
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September 2021	AR 650-08 , JYACAP	Prison Operations, Offender Services, YOS	AR 650-08 , JYACAP (revised)	HB 21-1209, Parole Eligibility For Youthful Offenders	Expand program eligibility to adults serving a sentence for a felony that was committed when the person was under 21 years of age.	Offenders, Community, YOS,
June 2021	None, no use of ketamine	Clinical and Correctional Services	N/A - in compliance	HB 21-1251, Appropriate Use Of Chemical Restraints On A Person	Prohibits a peace officer from using, directing, or unduly influencing the use of ketamine upon another person and from compelling, directing, or unduly influencing an EMS provider to administer ketamine.	Emergency medical practice advisory council, Department of Public Health, peace officers.
June 2021	None	Facility Management	N/A	HB 21-1286, Energy Performance For Buildings	Owners of certain large buildings, on an annual basis, to collect and report to the Colorado energy office the covered building's energy use.	Public utilities, Colorado Energy Office, Public Utilities Commission.

June 2021	No administrative regulation change required. DPS responsible for implementation	None	N/A	SB 21-012, Former Inmates With Fire Service Experience	Requires the division of fire prevention and control to develop materials to increase awareness of wildland fire career opportunities for persons who acquired experience in wildland fire services through the inmate disaster relief program.	Department of Public Safety
October 2021	No policy or procedure established yet.	Prison Operations, YOS, Education	New AR in process	SB 21-192, Housing Mentors In Youthful Offender Facility	Permits youthful offenders to be housed in a youthful offender facility with inmates 25 years of age or older who are participating in a mentoring program.	Offenders, Offender Services
July 2021	AR 450-09, Offender Disaster Relief Crews	Correctional Industries	AR 450-09 revised	SB 21-258, Wildfire Risk Mitigation	Supporting wildfire mitigation workforce development including the engagement of conservation corps and the department of corrections state wildland inmate fire teams.	Department of Natural Resources, Forest Service, CI offenders.