

CHAPTER 335

**GOVERNMENT - STATE**

**HOUSE BILL 94-1284**

BY REPRESENTATIVES Kreutz, Allen, Coffman, Jerke, Moellenberg, Piffner, Acquafresca, Adkins, Chlouber, Epps, Foster, George, Lawrence, Morrison, Schauer, Sullivan, and Taylor;  
also SENATORS Mutzebaugh, Blickensderfer, Norton, Owens, R. Powers, Rizzuto, and Tebedo.

**AN ACT**

**CONCERNING SOVEREIGN IMMUNITY IN ACTIONS FOR INJURIES FROM THE OPERATION OF CORRECTIONAL FACILITIES AND JAILS OR A DANGEROUS CONDITION OF A JAIL.**

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

**SECTION 1.** 24-10-106, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-10-106. Immunity and partial waiver.** (1.5) (a) THE WAIVER OF SOVEREIGN IMMUNITY CREATED IN PARAGRAPHS (b) AND (e) OF SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO CLAIMANTS WHO HAVE BEEN CONVICTED OF A CRIME AND INCARCERATED IN A CORRECTIONAL FACILITY OR JAIL PURSUANT TO SUCH CONVICTION, AND SUCH CORRECTIONAL FACILITY OR JAIL SHALL BE IMMUNE FROM LIABILITY AS SET FORTH IN SUBSECTION (1) OF THIS SECTION.

(b) THE WAIVER OF SOVEREIGN IMMUNITY CREATED IN PARAGRAPHS (b) AND (e) OF SUBSECTION (1) OF THIS SECTION DOES APPLY TO CLAIMANTS WHO ARE INCARCERATED BUT NOT YET CONVICTED OF THE CRIME FOR WHICH SUCH CLAIMANTS ARE BEING INCARCERATED IF SUCH CLAIMANTS CAN SHOW INJURY DUE TO NEGLIGENCE.

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 1994, and shall apply to causes of action arising on or after such date.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 3, 1994