

## CHAPTER 294

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**CORRECTIONS**

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**SENATE BILL 98-054**

BY SENATORS Dennis, Bishop, Chlouber, Hopper, Mutzebaugh, Schroeder, and Tebedo;  
also REPRESENTATIVES Kaufman, Anderson, Lawrence, Mace, Nichol, and Zimmerman.

**AN ACT**

CONCERNING REGULATION OF PRIVATE PRISON FACILITIES.

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

**SECTION 1.** Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-1-105.1. Accreditation of nonstate-owned prison facilities.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "INMATE" MEANS ANY PERSON WHO IS SENTENCED TO A TERM OF INCARCERATION FOR A VIOLATION OF THE LAWS OF THIS STATE, THE UNITED STATES, OR ANY OTHER STATE.

(b) "PRIVATE PRISON" MEANS ANY PRIVATE PRISON FACILITY LOCATED IN THIS STATE THAT CONTRACTS WITH ANY STATE OR LOCAL GOVERNMENT TO HOUSE ADULT INMATES AND SHALL NOT INCLUDE ANY LOCAL JAIL OR COMMUNITY CORRECTIONS PROGRAM.

(2) PRIOR TO SUBMITTING BUILDING PLANS TO ANY COUNTY, MUNICIPALITY, CITY AND COUNTY, OR OTHER LOCAL GOVERNMENTAL AGENCY ANY COMPANY PROPOSING TO CONSTRUCT A PRIVATE PRISON WITHIN THE STATE SHALL CONDUCT AT LEAST ONE HEARING IN THE COUNTY WHERE THE FACILITY IS PROPOSED TO BE CONSTRUCTED FOR PUBLIC INPUT FOLLOWING AT LEAST TWENTY DAYS' NOTICE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE PRIVATE PRISON IS TO BE LOCATED.

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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.*

(3) (a) A PRIVATE PRISON SHALL NOT CONTRACT TO HOUSE ANY INMATE, EXCEPT ON A TEMPORARY BASIS, UNLESS WITHIN TWO YEARS OF THE DATE THAT IT ACCEPTS ITS FIRST INMATE IT HOLDS A CURRENT ACCREDITATION BY THE AMERICAN CORRECTIONAL ASSOCIATION.

(b) THE EXECUTIVE DIRECTOR MAY EXTEND THE TIME PERIOD FOR A PRIVATE PRISON TO OBTAIN THE ACCREDITATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3) UPON A SHOWING OF GOOD CAUSE.

**SECTION 2.** 17-1-104.5, Colorado Revised Statutes, is amended to read:

**17-1-104.5. Incarceration of inmates from other states - private contract prison facilities.** (1) The general assembly finds and declares that the importation of prisoners from other states into correctional facilities not operated by the department of corrections is a matter of statewide concern.

(2) No inmate from a state other than Colorado may be received into the state of Colorado and be housed in a private contract prison facility or a prison facility operated by a political subdivision of the state:

(a) Without the express approval of the executive director, which approval shall not be unreasonably withheld; AND

(b) UNLESS THE PRIVATE CONTRACT PRISON FACILITY OR A PRISON FACILITY OPERATED BY A POLITICAL SUBDIVISION IS DESIGNED TO MEET OR EXCEED THE APPROPRIATE SECURITY LEVEL FOR THE INMATE.

**SECTION 3. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provision of this act shall apply to contracts entered into after the applicable effective date of this act.

Approved: June 1, 1998