

## CHAPTER 190

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**HEALTH AND ENVIRONMENT**

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**HOUSE BILL 00-1099**

BY REPRESENTATIVES Morrison, Miller, Coleman, Kester, Mace, McElhany, Scott, Tochtrop, and Williams, S.;  
also SENATORS Chlouber, Hernandez, and Rupert.

**AN ACT**

CONCERNING THE AUTHORITY OF GOVERNMENTAL AGENCIES THAT OPERATE PENAL INSTITUTIONS TO  
ESTABLISH CERTAIN SANITARY STANDARDS AFFECTING PENAL INSTITUTIONS.

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

**SECTION 1.** 25-1-107 (1) (n), Colorado Revised Statutes, is amended to read:

**25-1-107. Powers and duties of the department - repeal.** (1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(n) (I) To establish sanitary standards and make sanitary, sewerage, and health inspections and examinations for charitable, penal, and other public institutions, and, with respect to the state institutions under the department of human services specified in section 27-1-104, C.R.S., or under the department of corrections specified in section 17-1-104, C.R.S., such inspections and examinations shall be made at least once each year. Reports on such inspections of institutions under control of the department of human services or the department of corrections shall be made to the executive director of the appropriate department for appropriate action, if any.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (n), THE STANDARDS ADOPTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (n) WITH REGARD TO SPACE REQUIREMENTS, FURNISHING REQUIREMENTS, REQUIRED SPECIAL USE AREAS OR SPECIAL MANAGEMENT HOUSING, AND ENVIRONMENTAL CONDITION REQUIREMENTS, INCLUDING BUT NOT LIMITED TO STANDARDS PERTAINING TO LIGHT, VENTILATION, TEMPERATURE, AND NOISE LEVEL, SHALL NOT APPLY TO ANY PENAL INSTITUTION OPERATED BY OR UNDER CONTRACT WITH A COUNTY OR MUNICIPALITY IF THE PENAL INSTITUTION BEGINS OPERATIONS ON OR AFTER AUGUST 30, 1999, AND IF THE GOVERNING BODY OF THE JURISDICTION

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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.*

OPERATING THE PENAL INSTITUTION HAS ADOPTED STANDARDS PERTAINING TO SUCH ISSUES FOR THE PENAL INSTITUTION PURSUANT TO SECTION 30-11-104 (1), C.R.S., OR SECTION 31-15-711.5, C.R.S., WHICHEVER IS APPLICABLE.

**SECTION 2.** 30-11-104 (1), Colorado Revised Statutes, is amended to read:

**30-11-104. County buildings - acquisition of land or buildings by eminent domain authorized.** (1) (a) Each county, at its own expense, shall provide a suitable courthouse, a sufficient jail, and other necessary county buildings and keep them in repair.

(b) FOR ANY PENAL INSTITUTION THAT BEGINS OPERATIONS ON OR AFTER AUGUST 30, 1999, THAT IS OPERATED BY OR UNDER CONTRACT WITH A COUNTY, THE COUNTY MAY ESTABLISH STANDARDS RELATING TO SPACE REQUIREMENTS, FURNISHING REQUIREMENTS, REQUIRED SPECIAL USE AREAS OR SPECIAL MANAGEMENT HOUSING, AND ENVIRONMENTAL CONDITION REQUIREMENTS, INCLUDING BUT NOT LIMITED TO STANDARDS PERTAINING TO LIGHT, VENTILATION, TEMPERATURE, AND NOISE LEVEL. IF A COUNTY DOES NOT ADOPT STANDARDS PURSUANT TO THIS PARAGRAPH (b), THE PENAL INSTITUTION OPERATED BY OR UNDER CONTRACT WITH THE COUNTY SHALL BE SUBJECT TO THE STANDARDS ADOPTED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-1-107 (1) (n), C.R.S. IN ESTABLISHING SUCH STANDARDS, THE COUNTY IS STRONGLY ENCOURAGED TO CONSULT WITH NATIONAL ASSOCIATIONS THAT SPECIALIZE IN POLICIES RELATING TO CORRECTIONAL INSTITUTIONS.

**SECTION 3.** Part 7 of article 15 of title 31, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**31-15-711.5. Municipal jails - sanitary standards.** ANY MUNICIPALITY THAT CHOOSES TO ESTABLISH AND OPERATE A JAIL, AS AUTHORIZED IN SECTION 31-15-401 (1) (j), THAT BEGINS OPERATIONS ON OR AFTER AUGUST 30, 1999, MAY ESTABLISH SANITARY STANDARDS FOR SUCH JAIL RELATING TO SPACE REQUIREMENTS, FURNISHING REQUIREMENTS, REQUIRED SPECIAL USE AREAS OR SPECIAL MANAGEMENT HOUSING, AND ENVIRONMENTAL CONDITION REQUIREMENTS, INCLUDING BUT NOT LIMITED TO STANDARDS PERTAINING TO LIGHT, VENTILATION, TEMPERATURE, AND NOISE LEVEL. IF A MUNICIPALITY DOES NOT ADOPT STANDARDS PURSUANT TO THIS SECTION, THE JAIL OPERATED BY OR UNDER CONTRACT WITH THE MUNICIPALITY SHALL BE SUBJECT TO THE STANDARDS ADOPTED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-1-107 (1) (n), C.R.S. IN ESTABLISHING SUCH STANDARDS, THE MUNICIPALITY IS STRONGLY ENCOURAGED TO CONSULT WITH NATIONAL ASSOCIATIONS THAT SPECIALIZE IN POLICIES RELATING TO CORRECTIONAL INSTITUTIONS.

**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, and safety.

Approved: May 24, 2000