

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 20-0142.03 Jerry Barry x4341

HOUSE BILL 20-1409

HOUSE SPONSORSHIP

Benavidez and Garnett,

SENATE SPONSORSHIP

Fields and Gonzales,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

102 **INSPECTIONS OF PENAL INSTITUTIONS.**

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>.)

Under current law, the department of public health and environment (department) is charged with making annual sanitary, sewerage, and health inspections of penal institutions. The bill defines "penal institutions" and includes in that definition public and private facilities that house noncitizens for civil immigration proceedings. The bill specifically authorizes unannounced follow-up inspections by the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

department.

For the 2020-21 fiscal year, the bill directs the department to make the annual inspections of facilities that house noncitizens before January 1, 2021, and to submit its report to the governor and specified committees of the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-101, **amend**
3 (1)(i)(I) as follows:

4 **25-1.5-101. Powers and duties of department - laboratory cash**
5 **fund - report - definition - repeal.** (1) The department has, in addition
6 to all other powers and duties imposed upon it by law, the powers and
7 duties provided in this section as follows:

8 (i) (I) (A) To establish sanitary standards and make sanitary,
9 sewerage, and health inspections and examinations for charitable, penal,
10 and other public institutions. ~~and~~

11 (B) AS USED IN THIS SUBSECTION (1)(i), "PENAL INSTITUTION"
12 MEANS ANY LOCAL DETENTION CENTER, CORRECTIONAL FACILITY,
13 HOLDING FACILITY, SECURE RESIDENTIAL TREATMENT CENTER, PRISON,
14 CAMP, OR OTHER FACILITY IN WHICH PERSONS ARE OR MAY BE LAWFULLY
15 HELD IN CUSTODY, INCLUDING ANY PUBLIC OR PRIVATE FACILITY IN
16 COLORADO THAT HOUSES OR DETAINS NONCITIZENS FOR PURPOSES OF
17 CIVIL IMMIGRATION PROCEEDINGS, INCLUDING ANY FACILITY THAT HOUSES
18 OR DETAINS MINORS, ON BEHALF OF THE FEDERAL OFFICE OF REFUGEE
19 RESETTLEMENT OR THE UNITED STATES IMMIGRATION AND CUSTOMS
20 ENFORCEMENT AGENCY.

21 (C) With respect to the state institutions under the department of
22 human services specified in section 27-90-104 ~~C.R.S.~~, or under the
23 department of corrections specified in section 17-1-104.3 (1)(b), ~~C.R.S.~~,

1 such inspections and examinations shall MUST be made at least once each
2 year AND ADDITIONAL UNANNOUNCED INSPECTIONS MAY BE CONDUCTED
3 AFTER THE ANNUAL INSPECTION. Reports on such inspections of
4 institutions under control of the department of human services or the
5 department of corrections shall MUST be made to the executive director
6 of the appropriate department for appropriate action, if any.

7 (D) WITH RESPECT TO ANY FACILITY THAT HOUSES OR DETAINS
8 NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS, SUCH
9 INSPECTIONS AND EXAMINATIONS MUST BE MADE ANNUALLY AND
10 ADDITIONAL UNANNOUNCED INSPECTIONS MAY BE CONDUCTED AFTER THE
11 ANNUAL INSPECTION.

12 (E) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2020, FOR
13 FACILITIES THAT HOUSE OR DETAIN NONCITIZENS AS OF SEPTEMBER 1,
14 2020, THE ANNUAL INSPECTION REQUIRED BY SUBSECTION (1)(i)(I)(D) OF
15 THIS SECTION MUST BE CONDUCTED PRIOR TO JANUARY 1, 2021, AND THE
16 DEPARTMENT SHALL PRODUCE A REPORT ON THE INSPECTION PRIOR TO
17 JANUARY 1, 2021, AND PROVIDE THE REPORT TO THE GOVERNOR AND
18 MEMBERS OF THE JUDICIARY COMMITTEES OF THE HOUSE OF
19 REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES. THIS
20 SUBSECTION (1)(i)(I)(E) IS REPEALED, EFFECTIVE JULY 1, 2021.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.