

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 21-0349.02 Michael Dohr x4347

**HOUSE BILL 21-1211**

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**HOUSE SPONSORSHIP**

**Amabile**, Bacon, Caraveo, Hooton, Michaelson Jenet

**SENATE SPONSORSHIP**

**Lee**,

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING REGULATIONS FOR RESTRICTIVE HOUSING IN LOCAL**  
102 **JAILS.**

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**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>.)*

Beginning July 1, 2022, the bill prohibits a local jail with a bed capacity of over 400 beds from involuntarily placing an individual in restrictive housing if the individual meets any one of the following conditions:

- The individual is diagnosed with a serious mental health disorder or is exhibiting self-harm, grossly abnormal and

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.

HOUSE  
Amended 2nd Reading  
April 9, 2021

irrational behaviors, or breaks with reality or perceptions of reality indicating the presence of a serious mental health disorder;

- The individual has self-reported a serious mental health disorder;
- The individual has a significant auditory or visual impairment that cannot otherwise be accommodated;
- The individual is pregnant or in the postpartum period;
- The individual is significantly neurocognitively impaired by a condition such as dementia or a traumatic brain injury;
- The individual is under 18 years of age; or
- The individual has an intellectual or developmental disability.

Beginning July 1, 2021, the bill requires each local jail to keep and maintain a record of certain data regarding each individual placed in restrictive housing and certain data regarding each individual with a mental health condition or substance use condition and those transferred for a mental health hold.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article  
3 26 of title 17 as follows:

4 **PART 3**

5 **RESTRICTIVE HOUSING IN JAILS**

6 **17-26-301. Legislative declaration.** (1) **THE GENERAL ASSEMBLY**  
7 **FINDS THAT:**

8 (a) **PLACING INDIVIDUALS WITH SERIOUS MENTAL ILLNESS IN**  
9 **RESTRICTIVE HOUSING, ALSO KNOWN AS SOLITARY CONFINEMENT, WITHIN**  
10 **A LOCAL JAIL IS INAPPROPRIATE AND CAUSES FURTHER HARM TO THE**  
11 **INDIVIDUAL;**

12 (b) **ACCORDING TO THE NATIONAL COMMISSION ON**  
13 **CORRECTIONAL HEALTH CARE, PROLONGED SOLITARY CONFINEMENT IS**  
14 **CRUEL, INHUMANE, AND DEGRADING TREATMENT AND HARMFUL TO AN**  
15 **INDIVIDUAL'S HEALTH, AND JUVENILES, INDIVIDUALS WITH SERIOUS**

1 MENTAL ILLNESS, AND PREGNANT WOMEN SHOULD BE EXCLUDED FROM  
2 SOLITARY CONFINEMENT OF ANY DURATION;

3 (c) THE WORLD HEALTH ORGANIZATION, UNITED NATIONS, AND  
4 OTHER INTERNATIONAL BODIES HAVE RECOGNIZED THAT SOLITARY  
5 CONFINEMENT IS HARMFUL TO HEALTH;

6 (d) PSYCHOLOGICAL EFFECTS CAUSED BY PLACEMENT IN  
7 ISOLATION CAN INCLUDE SELF-HARM, SUICIDE, PARANOIA, PSYCHOSIS,  
8 COGNITIVE DISTURBANCES, PERCEPTUAL DISTORTIONS, OBSESSIVE  
9 THOUGHTS, ANXIETY, AND DEPRESSION;

10 (e) STUDIES HAVE SHOWN THAT THE PSYCHOLOGICAL STRESS  
11 CREATED FROM SOLITARY CONFINEMENT COMPARES TO THE DISTRESS OF  
12 PHYSICAL TORTURE. ACCORDING TO UNITED STATES DISTRICT JUDGE  
13 THELTON HENDERSON, PUTTING AN INDIVIDUAL WITH A SERIOUS MENTAL  
14 ILLNESS IN SOLITARY CONFINEMENT IS THE EQUIVALENT OF PUTTING A  
15 PERSON WITH ASTHMA IN A PLACE WITH LITTLE AIR.

16 (f) IN 2012, A TASK FORCE APPOINTED BY THE UNITED STATES  
17 ATTORNEY GENERAL CONCLUDED THAT NOWHERE IS THE DAMAGING  
18 IMPACT OF INCARCERATION ON VULNERABLE CHILDREN MORE OBVIOUS  
19 THAN WHEN IT INVOLVES SOLITARY CONFINEMENT. JUVENILES  
20 EXPERIENCE SYMPTOMS OF PARANOIA, ANXIETY, AND DEPRESSION EVEN  
21 AFTER VERY SHORT PERIODS OF ISOLATION.

22 (g) THE UNITED NATIONS STANDARD MINIMUM RULES FOR THE  
23 TREATMENT OF PRISONERS STATE THAT SOLITARY CONFINEMENT SHOULD  
24 BE PROHIBITED IN CASES INVOLVING CHILDREN AND IN THE CASE OF  
25 ADULTS WITH MENTAL OR PHYSICAL DISABILITIES WHEN THEIR  
26 CONDITIONS WOULD BE EXACERBATED BY SUCH MEASURES; AND

27 (h) INTERNATIONAL STANDARDS ESTABLISHED BY THE UNITED

1 NATIONS RULES FOR THE TREATMENT OF WOMEN PRISONERS AND  
2 NON-CUSTODIAL MEASURES FOR WOMEN OFFENDERS STATE THAT  
3 PREGNANT WOMEN SHOULD NEVER BE PLACED IN SOLITARY CONFINEMENT  
4 AS THEY ARE ESPECIALLY SUSCEPTIBLE TO ITS HARMFUL PSYCHOLOGICAL  
5 EFFECTS.

6 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT DUE TO  
7 THE SUBSTANTIAL NEGATIVE IMPACTS OF PLACING JUVENILES AND ADULTS  
8 WITH SPECIFIC HEALTH CONDITIONS IN RESTRICTIVE HOUSING, THE STATE  
9 MUST TAKE IMMEDIATE STEPS TO END AND PROHIBIT THE USE OF  
10 RESTRICTIVE HOUSING OF JUVENILES AND ADULTS WITH SPECIFIC HEALTH  
11 CONDITIONS IN COLORADO JAILS.

12 **17-26-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "INTELLECTUAL OR DEVELOPMENTAL DISABILITY" MEANS A  
15 DISABILITY ATTRIBUTABLE TO AN INTELLECTUAL OR DEVELOPMENTAL  
16 CONDITION, AS DEFINED IN THE LATEST EDITION OF THE DIAGNOSTIC AND  
17 STATISTICAL MANUAL OF THE AMERICAN PSYCHIATRIC ASSOCIATION, OR  
18 RELATED CONDITIONS CONSTITUTING A SEVERE OR PROFOUND DISABILITY.

19 (2) "LOCAL JAIL" MEANS A JAIL OR AN ADULT DETENTION CENTER  
20 OF A COUNTY OR CITY AND COUNTY WITH A CAPACITY OF MORE THAN  
21 FOUR HUNDRED BEDS.

22 (3) "MEDICAL PROFESSIONAL" MEANS A REGISTERED NURSE  
23 REGISTERED PURSUANT TO SECTION 12-255-111, A PHYSICIAN ASSISTANT  
24 LICENSED PURSUANT TO SECTION 12-240-113, OR A MEDICAL DOCTOR OR  
25 DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO ARTICLE 240 OF TITLE  
26 12.

27 (4) "MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL HEALTH

1 PROFESSIONAL LICENSED OR CERTIFIED PURSUANT TO ARTICLE 245 OF  
2 TITLE 12, EXCEPT IT DOES NOT INCLUDE UNLICENSED PSYCHOTHERAPISTS  
3 PURSUANT TO ARTICLE 245 OF TITLE 12; AN ADVANCED PRACTICE  
4 REGISTERED NURSE REGISTERED PURSUANT TO SECTION 12-255-111 WITH  
5 TRAINING IN SUBSTANCE USE DISORDERS OR MENTAL HEALTH; OR A  
6 PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION 12-240-113 WITH  
7 SPECIFIC TRAINING IN SUBSTANCE USE DISORDERS OR MENTAL HEALTH.

8 (5) "POSTPARTUM PERIOD" MEANS ONE YEAR AFTER A PREGNANCY  
9 HAS ENDED.

10 (6) "RESTRICTIVE HOUSING" MEANS THE STATE OF BEING  
11 INVOLUNTARILY CONFINED IN ONE'S CELL FOR APPROXIMATELY  
12 TWENTY-TWO HOURS PER DAY OR MORE WITH VERY LIMITED OUT-OF-CELL  
13 TIME, MOVEMENT, OR MEANINGFUL HUMAN INTERACTION WHETHER  
14 PURSUANT TO DISCIPLINARY, ADMINISTRATIVE, OR CLASSIFICATION  
15 ACTION.

16 (7) "SERIOUS MENTAL ILLNESS" MEANS ONE OR MORE  
17 SUBSTANTIAL DISORDERS OF THE COGNITIVE, VOLITIONAL, OR EMOTIONAL  
18 PROCESSES THAT GROSSLY IMPAIR JUDGMENT OR CAPACITY TO RECOGNIZE  
19 REALITY OR TO CONTROL BEHAVIOR AND THAT SUBSTANTIALLY INTERFERE  
20 WITH THE PERSON'S ABILITY TO MEET THE ORDINARY DEMANDS OF LIVING.  
21 THESE CAN INCLUDE, BUT ARE NOT LIMITED TO, A PSYCHOTIC DISORDER,  
22 BIPOLAR DISORDER, OR MAJOR DEPRESSIVE DISORDER OR ANY DIAGNOSED  
23 MENTAL DISORDER, EXCEPT FOR SUBSTANCE USE DISORDERS, CURRENTLY  
24 ASSOCIATED WITH SERIOUS IMPAIRMENT OF PSYCHOLOGICAL, COGNITIVE,  
25 OR BEHAVIORAL FUNCTIONING.

26 **17-26-303. Placement in restrictive housing in a local jail.**

27 (1) A LOCAL JAIL SHALL NOT INVOLUNTARILY PLACE AN INDIVIDUAL IN

1 RESTRICTIVE HOUSING, INCLUDING FOR DISCIPLINARY REASONS, IF THE  
2 INDIVIDUAL MEETS ANY ONE OF THE FOLLOWING CONDITIONS:

3 (a) THE INDIVIDUAL IS DIAGNOSED WITH A SERIOUS MENTAL  
4 ILLNESS OR IS EXHIBITING GROSSLY ABNORMAL OR IRRATIONAL  
5 BEHAVIORS OR BREAKS WITH REALITY OR PERCEPTIONS OF REALITY  
6 INDICATING THE PRESENCE OF A SERIOUS MENTAL ILLNESS;

7 (b) THE INDIVIDUAL HAS SELF-REPORTED A SERIOUS MENTAL  
8 ILLNESS OR IS EXHIBITING SELF-HARM, UNLESS A LICENSED MENTAL  
9 HEALTH PROFESSIONAL OR PSYCHIATRIST EVALUATES THE INDIVIDUAL  
10 AND FINDS SERIOUS MENTAL ILLNESS IS NOT PRESENT;

11 (c) THE INDIVIDUAL HAS A SIGNIFICANT AUDITORY OR VISUAL  
12 IMPAIRMENT THAT CANNOT OTHERWISE BE ACCOMMODATED;

13 (d) THE INDIVIDUAL IS PREGNANT OR IN THE POSTPARTUM PERIOD;

14 (e) THE INDIVIDUAL IS SIGNIFICANTLY NEUROCOGNITIVELY  
15 IMPAIRED BY A CONDITION SUCH AS DEMENTIA OR A TRAUMATIC BRAIN  
16 INJURY;

17 (f) THE INDIVIDUAL IS UNDER EIGHTEEN YEARS OF AGE; OR

18 (g) THE INDIVIDUAL HAS AN INTELLECTUAL OR DEVELOPMENTAL  
19 DISABILITY.

20 (2) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF  
21 THIS SECTION, AN INDIVIDUAL WHO MEETS ONE OF THE CONDITIONS  
22 DESCRIBED IN SUBSECTION (1) OF THIS SECTION MAY BE PLACED IN  
23 RESTRICTIVE HOUSING ONLY IF:

24 (I) ANY INDICATION OF PSYCHOLOGICAL DISTRESS IS PRESENT AND  
25 THE JAIL TRANSFERRED THE INDIVIDUAL TO A HEALTH-CARE FACILITY TO  
26 RECEIVE TREATMENT AND THE INDIVIDUAL IS REFUSED TREATMENT OR IS  
27 DETERMINED NOT TO MEET THE CRITERIA FOR ADMISSION IN SECTION

1 27-65-105 BY THE HEALTH-CARE FACILITY; AND

2 (II) THE INDIVIDUAL POSES AN IMMINENT DANGER TO THEMSELVES  
3 OR OTHERS; AND

4 (III) NO OTHER LESS RESTRICTIVE OPTION IS AVAILABLE AND THE  
5 INDIVIDUAL IS NOT RESPONDING TO ONGOING DE-ESCALATION  
6 TECHNIQUES.

7 (b) WHEN AN INDIVIDUAL IS PLACED IN RESTRICTIVE HOUSING  
8 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE LOCAL JAIL SHALL  
9 DOCUMENT THE FACTS AND CIRCUMSTANCES, INCLUDING OBSERVATIONS  
10 AND FINDINGS OF ALL MEDICAL AND MENTAL HEALTH PROFESSIONALS AND  
11 LOCAL JAIL STAFF THAT LEAD TO PLACING THE INDIVIDUAL INTO  
12 RESTRICTIVE HOUSING, WHEN THE LOCAL JAIL STAFF'S OBSERVATIONS  
13 OCCURRED, ANY EFFORTS TO AVOID PLACEMENT OF THE INDIVIDUAL INTO  
14 RESTRICTIVE HOUSING, AND A DESCRIPTION OF ALL ALTERNATIVES AND  
15 INTERVENTIONS THAT WERE ATTEMPTED TO AVOID RESTRICTIVE HOUSING.  
16 THE LOCAL JAIL SHALL ALSO INCLUDE IN THE DOCUMENTATION ANY  
17 INJURIES EXPERIENCED BY THE INDIVIDUAL AND THE LOCAL JAIL STAFF OR  
18 OTHER MEDICAL ISSUES EXHIBITED BY THE INDIVIDUAL IN THE PROCESS OF  
19 PLACING THE INDIVIDUAL IN RESTRICTIVE HOUSING. IN CIRCUMSTANCES  
20 IN WHICH THE LOCAL JAIL WAS UNABLE TO EMPLOY LESS RESTRICTIVE  
21 ALTERNATIVES, THE LOCAL JAIL SHALL DESCRIBE THE DANGEROUS,  
22 EMERGENT BEHAVIOR THAT PRECLUDED USE OF LESS RESTRICTIVE  
23 ALTERNATIVES.

24 (c) THE LOCAL JAIL SHALL NOTIFY ITS MEDICAL OR MENTAL  
25 HEALTH PROFESSIONALS IN WRITING WHEN AN INDIVIDUAL IS  
26 INVOLUNTARILY PLACED IN RESTRICTIVE HOUSING WITHIN ONE HOUR OF  
27 THE PLACEMENT.

1 (d) THE LOCAL JAIL SHALL NOTIFY THE INDIVIDUAL'S APPOINTED  
2 OR RETAINED LEGAL REPRESENTATIVE, DESIGNATED EMERGENCY  
3 CONTACT, OR LEGAL GUARDIAN WITHIN TWELVE HOURS OF THE  
4 INDIVIDUAL'S INVOLUNTARY PLACEMENT AND REMOVAL IN RESTRICTIVE  
5 HOUSING.

6 (e) AT LEAST EVERY FIFTEEN MINUTES, A MEDICAL OR MENTAL  
7 HEALTH PROFESSIONAL OR LOCAL JAIL STAFF SHALL CHECK, FACE-TO-FACE  
8 OR THROUGH A WINDOW, ON AN INDIVIDUAL INVOLUNTARILY PLACED IN  
9 RESTRICTIVE HOUSING PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.  
10 IF THE INDIVIDUAL IS DEMONSTRATING UNUSUAL OR BIZARRE BEHAVIOR  
11 OR SELF-HARM, THE LOCAL JAIL STAFF SHALL MONITOR THE INDIVIDUAL  
12 MORE FREQUENTLY UNLESS A MEDICAL OR MENTAL HEALTH PROFESSIONAL  
13 RECOMMENDS OTHERWISE. AT EACH CHECK, THE MEDICAL OR MENTAL  
14 HEALTH PROFESSIONAL OR LOCAL JAIL STAFF SHALL DOCUMENT THE  
15 BEHAVIORS OF THE INDIVIDUAL.

16 (f) EVERY TWENTY-FOUR HOURS, A MEDICAL OR MENTAL HEALTH  
17 PROFESSIONAL SHALL ASSESS, FACE-TO-FACE, THE INDIVIDUAL  
18 INVOLUNTARILY PLACED IN RESTRICTIVE HOUSING. THE PROFESSIONAL  
19 SHALL ASSESS FOR ANY PSYCHIATRIC OR MEDICAL CONTRAINDICATIONS TO  
20 THE PLACEMENT. THE MEDICAL OR MENTAL HEALTH PROFESSIONAL SHALL  
21 DOCUMENT THE INDIVIDUAL'S BEHAVIORS AND NEED FOR ONGOING  
22 PLACEMENT IN RESTRICTIVE HOUSING OR SHALL DOCUMENT AN OPINION  
23 THAT RESTRICTIVE HOUSING IS NO LONGER REQUIRED.

24 (g) FOR ANY INDIVIDUAL WHO MEETS ONE OF THE CONDITIONS  
25 DESCRIBED IN SUBSECTION (1) OF THIS SECTION WHO IS PLACED IN  
26 RESTRICTIVE HOUSING, IMMEDIATELY AFTER PLACEMENT AND  
27 THROUGHOUT THE INDIVIDUAL'S STAY IN RESTRICTIVE HOUSING, THE



1 LOCAL JAIL SHALL PROVIDE THE INDIVIDUAL A CLEAR EXPLANATION OF  
2 THE REASON THE INDIVIDUAL HAS BEEN PLACED IN RESTRICTIVE HOUSING,  
3 THE MONITORING PROCEDURES THAT THE LOCAL JAIL WILL EMPLOY TO  
4 CHECK THE INDIVIDUAL, THE DATE AND THE TIME, WHEN THE INDIVIDUAL'S  
5 NEXT COURT DATE IS, AND THE BEHAVIORAL CRITERIA THE INDIVIDUAL  
6 MUST DEMONSTRATE TO BE RELEASED FROM RESTRICTIVE HOUSING. THE  
7 LOCAL JAIL MUST PROVIDE THIS INFORMATION TO THE INDIVIDUAL'S LEGAL  
8 REPRESENTATION AND, IF THE INDIVIDUAL GIVES PERMISSION, TO A FAMILY  
9 MEMBER OR OTHER DESIGNATED PERSON.

10 (h) (I) WHEN AN INDIVIDUAL IS PLACED IN RESTRICTIVE HOUSING  
11 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE LOCAL JAIL SHALL  
12 NOT HOLD THE INDIVIDUAL IN RESTRICTIVE HOUSING FOR MORE THAN  
13 FIFTEEN DAYS IN A THIRTY-DAY TIME PERIOD WITHOUT A WRITTEN COURT  
14 ORDER.

15 (II) IF A LOCAL JAIL WANTS TO HOLD AN INDIVIDUAL PLACED IN  
16 RESTRICTIVE HOUSING PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION  
17 FOR MORE THAN FIFTEEN DAYS IN A THIRTY-DAY PERIOD, THE LOCAL JAIL  
18 MUST OBTAIN A WRITTEN COURT ORDER. A COURT SHALL GRANT THE  
19 COURT ORDER IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE  
20 THAT:

21 (A) THE INDIVIDUAL POSES AN IMMINENT DANGER TO HIMSELF OR  
22 HERSELF OR OTHERS;

23 (B) NO ALTERNATIVE LESS-RESTRICTIVE PLACEMENT IS  
24 AVAILABLE;

25 (C) THE JAIL HAS EXHAUSTED ALL OTHER PLACEMENT  
26 ALTERNATIVES; AND

27 (D) NO OTHER OPTIONS EXIST, INCLUDING RELEASE FROM

1 CUSTODY.

2 (i) THE LOCAL JAIL SHALL SUPPLY THE INDIVIDUAL WITH BASIC  
3 HYGIENE NECESSITIES, INCLUDING SHAVING AND SHOWERING AT LEAST  
4 THREE TIMES PER WEEK; EXCHANGES OF CLOTHING, BEDDING, AND LINEN  
5 ON THE SAME BASIS AS OTHER INDIVIDUALS IN THE GENERAL JAIL  
6 POPULATION; ACCESS TO WRITING LETTERS OR RECEIVING LETTERS;  
7 OPPORTUNITIES FOR VISITATION; ACCESS TO LEGAL MATERIALS; ACCESS TO  
8 READING MATERIALS; A MINIMUM OF ONE HOUR OF OUTDOOR EXERCISE  
9 FIVE DAYS A WEEK OUTSIDE OF THE CELL; TELEPHONE PRIVILEGES TO  
10 ACCESS THE JUDICIAL PROCESS AND TO BE INFORMED OF FAMILY  
11 EMERGENCIES AS DETERMINED BY THE LOCAL JAIL; AND ACCESS TO  
12 PROGRAMS AND SERVICES THAT INCLUDE, BUT ARE NOT LIMITED TO,  
13 EDUCATIONAL, RELIGIOUS, AND RECREATIONAL PROGRAMS AND MEDICAL,  
14 DENTAL, AND BEHAVIORAL HEALTH SERVICES AND MEDICATIONS, UNLESS  
15 PROVIDING THE ITEM, PROGRAM, OR SERVICE WOULD ENDANGER THE  
16 SAFETY OF THE INDIVIDUAL, OTHER INMATES OR STAFF, OR THE SECURITY  
17 OF THE LOCAL JAIL. IF THE LOCAL JAIL DOES NOT MAKE ANY OF THESE  
18 ALLOWANCES, THE LOCAL JAIL SHALL DAILY DOCUMENT THE DENIAL OF  
19 EACH ITEM, PROGRAM, OR SERVICE WITH A REASON FOR THE DENIAL.

20 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
21 A LOCAL JAIL MAY PLACE AN INDIVIDUAL ALONE IN A ROOM OR AREA FROM  
22 WHICH EGRESS IS PREVENTED IF THE CONFINEMENT IS PART OF A ROUTINE  
23 PRACTICE THAT IS APPLICABLE TO SUBSTANTIAL PORTIONS OF THE JAIL  
24 POPULATION. THE CONFINEMENT MUST BE IMPOSED ONLY FOR THE  
25 COMPLETION OF ADMINISTRATIVE OR SECURITY TASKS AND SHOULD LAST  
26 NO LONGER THAN NECESSARY TO ACHIEVE THE TASK SAFELY AND  
27 EFFECTIVELY. THE LOCAL JAIL SHALL DOCUMENT WHEN THE SITUATION

1 OCCURS AND FOR HOW LONG.

2 (4) A MEDICAL OR MENTAL HEALTH PROFESSIONAL SHALL ASSESS  
3 ANY INDIVIDUAL PLACED IN RESTRICTIVE HOUSING WITHIN TWENTY-FOUR  
4 HOURS OF PLACEMENT. THE PROFESSIONAL SHALL ASSESS FOR ANY  
5 PSYCHIATRIC OR MEDICAL CONTRAINDICATIONS TO THE PLACEMENT. THE  
6 LOCAL JAIL SHALL DOCUMENT FINDINGS AND OBSERVED BEHAVIORS OF  
7 THE INDIVIDUAL.

8 (5) THE LOCAL JAIL SHALL DOCUMENT THE TIME SPENT OUT OF  
9 CELL ON A DAILY BASIS. THE DOCUMENTATION MUST INCLUDE ALL  
10 MEANINGFUL HUMAN CONTACT THE INDIVIDUAL RECEIVED WHILE OUT OF  
11 CELL AND ANY MENTAL OR MEDICAL SERVICES RECEIVED.

12 (6) IF AN INDIVIDUAL WILLINGLY AND VOLUNTARILY DOES NOT  
13 WISH TO LEAVE HIS OR HER CELL, THE JAIL IS NOT REQUIRED TO  
14 FORCEFULLY REMOVED AN INDIVIDUAL FROM HIS OR HER CELL IN ORDER  
15 TO COMPLY WITH THIS SECTION. JAIL STAFF SHALL MAKE A REASONABLE  
16 ATTEMPT TO PERSUADE AND ALLOW THE INDIVIDUAL TO LEAVE HIS OR HER  
17 CELL VOLUNTARILY AND SHALL DOCUMENT THESE ATTEMPTS WHEN THE  
18 INDIVIDUAL REFUSES TO LEAVE HIS OR HER CELL.

19 (7) EACH LOCAL JAIL SHALL PRODUCE WRITTEN POLICIES AND  
20 PROCEDURES IN ACCORDANCE WITH THIS PART 3 AND PART 1 OF THIS  
21 ARTICLE 26 AND SHALL POST THE POLICIES AND PROCEDURES ON THE  
22 LOCAL JAIL'S WEBSITE.

23 **17-26-304. Screening in jails.** (1) A LOCAL JAIL SHALL USE AN  
24 ADEQUATE SCREENING TOOL TO COMPLETE A HEALTH SCREENING OF EACH  
25 INDIVIDUAL UPON ARRIVAL AT THE FACILITY BY HEALTH-TRAINED OR  
26 QUALIFIED HEALTH-CARE PERSONNEL AS PART OF THE ADMISSION  
27 PROCEDURES. THE SCREENING INCLUDES AT LEAST THE FOLLOWING:

- 1 (a) INQUIRY INTO:
- 2 (I) CURRENT AND PAST ILLNESSES, HEALTH CONDITIONS, OR
- 3 SPECIAL HEALTH REQUIREMENTS;
- 4 (II) HISTORY OF SUICIDAL IDEATION OR SELF-INJURIOUS BEHAVIOR
- 5 ATTEMPTS; PAST OR CURRENT SERIOUS MENTAL ILLNESS, INCLUDING
- 6 HOSPITALIZATIONS; AND HISTORY OF SPECIAL EDUCATION;
- 7 (III) ALL LEGAL AND ILLEGAL DRUG USE, INCLUDING ANY CURRENT
- 8 WITHDRAWAL SYMPTOMS;
- 9 (IV) CURRENT OR RECENT PREGNANCY;
- 10 (V) SERIOUS NEUROCOGNITIVE ISSUES SUCH AS PAST TRAUMATIC
- 11 BRAIN INJURIES OR DEMENTIA; AND
- 12 (VI) PRESENT OR PAST PRESCRIBED MEDICATIONS; AND
- 13 (b) OBSERVATION OF:
- 14 (I) GENERAL APPEARANCE AND BEHAVIOR, INCLUDING STATE OF
- 15 CONSCIOUSNESS, MENTAL STATUS, APPEARANCE, AND CONDUCT;
- 16 (II) PHYSICAL CONDITION, INCLUDING EASE OF MOVEMENT;
- 17 (III) EVIDENCE OF ABUSE OR TRAUMA AND THE CONDITION OF THE
- 18 INDIVIDUAL'S SKIN, INCLUDING BRUISES AND LESIONS; AND
- 19 (IV) BEHAVIOR, TREMORS, AND SWEATING.
- 20 (2) AN INDIVIDUAL MUST NOT BE PLACED IN RESTRICTIVE HOUSING
- 21 UNTIL THE HEALTH SCREENING REQUIRED BY SUBSECTION (1) OF THIS
- 22 SECTION IS COMPLETE AND HAS BEEN DOCUMENTED.
- 23 (3) IF LOCAL JAIL PERSONNEL WHO ARE HEALTH-TRAINED PERFORM
- 24 THE SCREENING, THE PERSONNEL SHALL CALL A MEDICAL OR MENTAL
- 25 HEALTH PROFESSIONAL IF INDICATIONS OF A POSITIVE SCREEN ARE
- 26 IDENTIFIED DURING THE SCREENING.

27 **SECTION 2.** In Colorado Revised Statutes, 17-26-118, add (5)

1 and (6) as follows:

2 **17-26-118. Criminal justice data collection - definitions -**

3 **repeal.** (5) (a) ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE THE  
4 THIRD FRIDAY OF EACH JANUARY, APRIL, JULY, AND OCTOBER  
5 THEREAFTER, THE KEEPER OF EACH LOCAL JAIL SHALL SUBMIT A  
6 QUARTERLY REPORT OF THE DATA SPECIFIED IN THIS SUBSECTION (5) TO  
7 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY  
8 THROUGH AN ELECTRONIC FORM DESIGNED BY THE DIVISION. EACH  
9 QUARTERLY REPORT MUST INCLUDE:

10 (I) FOR EACH INDIVIDUAL PLACED IN RESTRICTIVE HOUSING AS  
11 DEFINED IN SECTION 17-26-302 (4), ANONYMIZED DATA BY MONTH THAT  
12 INCLUDES:

13 (A) THE INDIVIDUAL'S SELF-IDENTIFIED RACE OR ETHNICITY,  
14 GENDER, AND AGE;

15 (B) WHETHER THE INDIVIDUAL HAS ONE OF THE CONDITIONS  
16 IDENTIFIED IN SECTION 17-26-303 (1) AND THE SPECIFIC CONDITION;

17 (C) THE PLACEMENT CLASSIFICATION OF THE INDIVIDUAL BEFORE  
18 BEING PLACED IN RESTRICTIVE HOUSING;

19 (D) THE LENGTH OF TIME THE INDIVIDUAL WAS IN RESTRICTIVE  
20 HOUSING;

21 (E) IF THE INDIVIDUAL WAS PLACED IN RESTRICTIVE HOUSING FOR  
22 A DISCIPLINARY REASON;

23 (F) WHETHER THE INDIVIDUAL SUFFERED INJURY OR DEATH WHILE  
24 PLACED IN RESTRICTIVE HOUSING AND THE MANNER AND CAUSE OF THE  
25 INJURY OR DEATH;

26 (G) WHETHER THE INDIVIDUAL WAS CHARGED WITH A NEW  
27 CRIMINAL OFFENSE WHILE IN RESTRICTIVE HOUSING AND, IF SO, THE

1 OFFENSE; AND

2 (H) HOW MANY TIMES THE LOCAL JAIL SOUGHT A WRITTEN ORDER  
3 TO HOLD SOMEONE BEYOND FIFTEEN DAYS IN RESTRICTIVE HOUSING AND  
4 THE OUTCOME;

5 (II) HOW MANY INDIVIDUALS IN THE LOCAL JAIL POPULATION  
6 HAVE:

7 (A) AN IDENTIFIED MENTAL ILLNESS;

8 (B) AN IDENTIFIED SUBSTANCE USE DISORDER;

9 (C) BOTH AN IDENTIFIED MENTAL ILLNESS AND SUBSTANCE USE  
10 DISORDER;

11 (D) IDENTIFIED NEUROCOGNITIVE ISSUES SUCH AS DEMENTIA OR  
12 TRAUMATIC BRAIN INJURY; AND

13 (E) ENGAGED IN SELF-HARMING BEHAVIOR WHILE IN THE LOCAL  
14 JAIL.

15 **SECTION 3. Effective date.** This act takes effect upon passage;  
16 except that section 1 of this act takes effect on July 1, 2022, and section  
17 2 of this act takes effect on January 1, 2022.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, or safety.