



Final Report to the General Assembly

Legislative Oversight Committee for Colorado Jail Standards
December 2024 | Research Publication 830



Legislative Oversight Committee for Colorado Jail Standards

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Senator James Coleman, Vice Chair

Senator Julie Gonzales

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December | 2024



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The texts of the approved bills are included as Attachments A through C after the list of meetings and topics discussed.

This report is also available online at:

<https://leg.colorado.gov/committees/legislative-oversight-committee-concerning-colorado-jail-standards/2024-regular-session>

Committee Charge

Pursuant to Section 2-3-1901, C.R.S, the Legislative Oversight Committee for Colorado Jail Standards (committee) is responsible for adopting and revising standards for Colorado jails. The committee adopted [a set of jail standards](#) in 2023. Pursuant to Section 2-3-1901.5, C.R.S, jails must comply with the standards by July 1, 2026.

Committee Activities

The committee held three meetings during the 2024 interim. The committee received updates regarding funding for jails to implement jail standards and to improve jail facilities. The committee also appointed members to, and received an update on the activities of, the Jail Standards Advisory Committee, which is responsible for inspecting jail facilities in Colorado. Finally, the committee discussed the communications needs of persons in custody.

Funding to Implement Jail Standards and Improve Jail Facilities

The committee heard presentations from representatives of County Sheriffs of Colorado and Lake County regarding the need to identify a stable source of funding to assist jails in complying with the standards adopted by the committee. Representatives of Lake County spoke to the difficulty in constructing modern jail facilities, especially in rural and less populous counties. Some counties, including Lake County, have worked with larger counties that have facilities that are better equipped for detaining individuals for more than a short period of time.

Committee recommendations. As a result of its discussions, the committee recommends Bill A, which expands the charge of the Underfunded Courthouse Facility Cash Fund Commission to include making grants to counties to improve jail facilities.

The committee also recommends Bill B, which allows counties to enter an intergovernmental agreement with another county to operate a multijurisdictional county jail. The bill also creates the Regional Jail Approach Grant Program to provide grants to counties that participate in a multijurisdictional jail program.

Communication with Persons in Custody

The committee heard a presentation from a representative of the Colorado Office of the State Public Defender regarding the communication needs of persons in county jails. While current law allows persons in custody to place phone calls, the ability of persons in custody to receive phone calls or other communications varies by facility. The representative of the Public Defender's Office shared the difficulties this can cause for individuals who are trying to communicate with attorneys and family members.

Committee recommendations. As a result of its discussions, the committee recommends Bill C. Current law allows such individuals the right to communicate with attorneys or family members through telephone or other reasonable means. The bill creates the right of persons in custody to also receive phone calls and to communicate through interactive audiovisual conferencing, if available.

Summary of Recommendations

As a result of the committee's activities, the committee recommended three bills for introduction in the 2025 legislative session. The approved bills are described below.

Bill A — Financial Assistance for County Jails

Currently, the Underfunded Courthouse Facility Cash Funds Commission (commission) issues grants to counties to improve underfunded courthouse facilities. Bill A expands the charge of the commission to include making grants to jails in addition to court facilities. The bill also allows grants to be issued for up to 50 percent of a county's annual voter-approved debt service on any county-approved financing of the construction or remodeling costs of a court or jail facility.

Bill B — Incentives for Regional Jail Approach

Colorado counties with a population of 2,000 or more are required by Colorado law to maintain a county jail. Bill B exempts a county from this requirement if it enters into an intergovernmental agreement with another county to operate a multijurisdictional county jail. Bill B also creates the Regional Jail Approach Grant Program within the Division of Criminal Justice in the Department of Public Safety, funded with a \$1 million transfer from the General Fund. Grants may be awarded to counties that enter into an intergovernmental agreement. Finally, Bill B authorizes counties entering into an intergovernmental agreement pursuant to the bill to be covered under the state's risk management program.

Bill C — Communication Rights for Persons in Custody

The bill creates the right for a person who is committed, imprisoned, or arrested to receive a reasonable number of telephone calls or other communications from family members and attorneys, and to communicate through interactive audiovisual conferencing, if available.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/content/committees>

Meetings and Topics Discussed

June 27, 2024

- Approval of appointments to the Jail Standards Advisory Committee
- Update on implementation of Colorado Jail Standards

September 11, 2024

- Update on the Jail Standards Advisory Committee
- County needs related to jail facilities
- Communications needs of persons in custody
- Requests for draft bills

November 20, 2024

- Approval of draft bills

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

BILL A

LLS NO. 25-0301.01 Michael Dohr x4347

SENATE BILL

SENATE SPONSORSHIP

Amabile and Gonzales J.,

HOUSE SPONSORSHIP

Armagost,

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING PROVIDING FINANCIAL ASSISTANCE TO COUNTIES FOR
102 COUNTY FACILITIES.

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/>.)

Legislative Oversight Committee Concerning Colorado Jail Standards. Current law tasks the underfunded courthouse facility cash fund commission (commission) to evaluate grant applications and issue grants to counties for underfunded courthouse facilities through master planning services, matching funds or leveraging grant funding opportunities, or for addressing emergency needs due to the imminent

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

closure of a court facility. The bill changes the name of the commission and the underfunded courthouse facility cash fund and expands the responsibilities of the commission to include jails in addition to court facilities. Additionally, the bill allows grants to be issued for up to 50% of a county's annual voter-approved debt service on any county-approved financing of the construction or remodeling costs of a court or jail facility.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 13-1-301 as
3 follows:

4 **13-1-301. Legislative declaration.** (1) The general assembly
5 hereby finds that:

6 (a) Providing access to state court AND JAIL facilities and ensuring
7 the safety of employees and other users of state court AND JAIL facilities
8 are fundamental components of ensuring access to justice for the people
9 of the state of Colorado;

10 (b) ~~Recent years have seen numerous occasions in which~~
11 ~~courthouse~~ IN RECENT YEARS, COURT AND JAIL FACILITY repair,
12 renovation, improvement, and expansion needs have become important
13 priorities for judicial districts and the counties they serve;

14 (c) In some cases these needs result from anticipated causes, such
15 as expanding caseloads, the allocations of new judges to the district, or
16 the aging of existing ~~courtroom~~ COURT AND JAIL facilities and the
17 attendant need to bring them up to current operational and safety
18 standards;

19 (d) In other cases, the needs are driven by unexpected events, such
20 as natural disasters, accidents, or the discovery of previously unknown
21 threats to health and safety; and

22 (e) While the responsibility for providing adequate courtrooms

1 and other court AND JAIL facilities lies with county governments, the
2 geographically, demographically, and economically diverse nature of our
3 state affects the level of funding and services that each county can
4 provide.

5 (2) The general assembly, therefore, determines and declares that:

6 (a) The creation of the underfunded ~~courthouse~~ COURT AND JAIL
7 facility cash fund commission and the underfunded ~~courthouse~~ COURT
8 AND JAIL facility cash fund is beneficial to and in the best interests of the
9 people of the state of Colorado; and

10 (b) The purpose of the commission and the fund is to provide
11 supplemental funding for ~~courthouse~~ COURT AND JAIL facility projects in
12 the counties with the most limited financial resources.

13 **SECTION 2.** In Colorado Revised Statutes, 13-1-302, **amend** (1),
14 (3), and (4) as follows:

15 **13-1-302. Definitions.** As used in this part 3, unless the context
16 otherwise requires:

17 (1) "Commission" means the underfunded ~~courthouse~~ COURT AND
18 JAIL facility cash fund commission created in section 13-1-303.

19 (3) "Fund" means the underfunded ~~courthouse~~ COURT AND JAIL
20 facility cash fund created in section 13-1-304.

21 (4) "Imminent closure of a court facility" means a court facility
22 with health, life, or safety issues that impact court employees, JAIL
23 INMATES, or other ~~court~~ users and that is designated for imminent closure
24 by A COUNTY OR the state court administrator in consultation with the
25 state's risk management system or other appropriate professionals. Health,
26 life, or safety issues include air quality issues, water intrusion problems,
27 temperature control issues, structural conditions that cannot reasonably

1 be mitigated, fire hazards, electrical hazards, and utility problems. Certain
2 health, life, or safety issues may require additional third-party evaluations
3 such as an environmental or structural engineering review.

4 **SECTION 3.** In Colorado Revised Statutes, 13-1-303, **amend** (1)
5 and (6) as follows:

6 **13-1-303. Underfunded court and jail facility cash fund**
7 **commission - creation - membership.** (1) ~~There is hereby created in the~~
8 ~~judicial department~~ The underfunded ~~courthouse~~ COURT AND JAIL facility
9 cash fund commission IS CREATED IN THE JUDICIAL DEPARTMENT to
10 evaluate grant applications received pursuant to this part 3 and make
11 recommendations to the state court administrator for awarding grants
12 from the underfunded ~~courthouse~~ COURT AND JAIL facility cash fund
13 based on the statutory criteria set forth in section 13-1-305. The
14 commission ~~shall~~ MUST be appointed no later than July 1, 2014.

15 (6) In accordance with the principles set out in ~~section 13-1-305~~
16 THIS PART 3, the commission shall adopt guidelines prescribing the
17 procedures to be followed in making, filing, and evaluating grant
18 applications, the criteria for evaluation, and other guidelines necessary for
19 administering the GRANT program.

20 **SECTION 4.** In Colorado Revised Statutes, **amend** 13-1-304 as
21 follows:

22 **13-1-304. Underfunded court and jail facility cash fund -**
23 **creation - grants - regulations.** (1) ~~There is hereby created in the state~~
24 ~~treasury~~ The underfunded ~~courthouse~~ COURT AND JAIL facility cash fund
25 ~~that consists~~ IS CREATED IN THE STATE TREASURY, CONSISTING of any
26 ~~moneys~~ MONEY appropriated by the general assembly to the fund. The
27 ~~moneys~~ MONEY in the fund ~~are~~ IS subject to annual appropriation by the

1 general assembly for the implementation of this part 3. The state court
2 administrator may accept gifts, grants, or donations from any private or
3 public source for the purpose of implementing this part 3. All private and
4 public ~~moneys~~ MONEY received by the state court administrator from
5 gifts, grants, or donations must be transmitted to the state treasurer, who
6 shall credit the ~~same~~ MONEY to the fund in addition to any ~~moneys~~ MONEY
7 that may be appropriated to the fund directly by the general assembly. All
8 investment earnings derived from the deposit and investment of ~~moneys~~
9 THE MONEY in the fund remain in the fund and may not be transferred or
10 revert to the general fund at the end of any fiscal year. Any unexpended
11 and unencumbered ~~moneys~~ MONEY remaining in the fund at the end of
12 any fiscal year ~~shall remain~~ REMAINS in the fund and shall not be credited
13 or transferred to the general fund or any other fund.

14 (2) (a) ~~Moneys~~ MONEY from the fund that ~~are~~ IS distributed to
15 counties IN THE FORM OF A GRANT pursuant to this part 3 may: ~~only~~:

16 (I) Be used for commissioning master planning services,
17 matching funds or leveraging grant funding opportunities for construction
18 or remodeling projects, or addressing emergency needs due to the
19 imminent closure of a court OR JAIL facility;

20 (II) BE USED TO PAY UP TO FIFTY PERCENT OF A COUNTY'S ANNUAL
21 VOTER-APPROVED DEBT SERVICE ON ANY COUNTY-APPROVED FINANCING
22 FOR CAPITAL CONSTRUCTION OR REMODELING COSTS OF A COURT OR JAIL
23 FACILITY PURSUANT TO THIS PART 3;

24 (III) ~~Moneys from the fund may~~ Not be allocated for the purchase
25 of furniture, fixtures, or equipment or as the sole source of funding for
26 new construction; AND

27 (IV) ~~Moneys from the fund may~~ Not be allocated as the sole

1 source of funding for remodeling, unless the need for funding is
2 associated with the imminent closure of a court facility.

3 (b) MONEY FROM THE FUND THAT IS DISTRIBUTED TO COUNTIES
4 MUST ONLY BE USED FOR NEW CONSTRUCTION OR REMODELING OF A
5 COURT OR JAIL FACILITY AND MUST NOT BE USED FOR THE PURCHASE OF
6 FURNITURE, FIXTURES, OR EQUIPMENT.

7 (3) All ~~moneys~~ MONEY credited to the fund ~~shall be~~ IS available
8 for grants awarded by the state court administrator, based on
9 recommendations of the commission, to counties for the purposes
10 described in this part 3; except that the state court administrator may use
11 a portion of the ~~moneys~~ MONEY annually appropriated from the fund for
12 administrative costs incurred ~~through~~ FOR the implementation of this part
13 3. The state court administrator, subject to annual appropriation by the
14 general assembly, may expend ~~moneys~~ MONEY appropriated from the
15 fund pursuant to this part 3.

16 **SECTION 5.** In Colorado Revised Statutes, 13-1-305, **amend** (1),
17 (2)(a), (2)(c), (2)(d), (2)(e), (3), and (4) introductory portion; and **add** (5)
18 as follows:

19 **13-1-305. Grant applications - duties of counties.** (1) To be
20 eligible for ~~moneys~~ A GRANT from the fund, a county must apply to the
21 commission through the state court administrator, using the application
22 form provided by the commission, in accordance with the timelines and
23 guidelines adopted by the commission. For the commission to consider
24 a grant application, the application must first be reviewed and approved
25 by the chief judge of the county and the board of county commissioners.

26 (2) (a) ~~Grants~~ A GRANT from the fund may only be used to fund
27 counties that meet the requirements set forth in ~~paragraph (b) of this~~

1 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION and the criteria
2 specified in subsection (4) of this section to:

3 (I) Commission master planning services;

4 (II) Serve as matching funds or leverage grant funding
5 opportunities; ~~or~~

6 (III) Address emergency needs due to the imminent closure of a
7 court OR JAIL facility; OR

8 (IV) PAY UP TO FIFTY PERCENT OF A COUNTY'S ANNUAL
9 VOTER-APPROVED DEBT SERVICE ON ANY COUNTY-APPROVED FINANCING
10 OF THE CONSTRUCTION OR REMODELING COSTS OF A COURT OR JAIL
11 FACILITY.

12 (c) ~~Grants~~ A GRANT from the fund may not supplant any county
13 funding for a county that has the means to support its court facility OR
14 JAIL FACILITIES.

15 (d) The approval of a grant ~~shall~~ DOES not result in the state or
16 commission assuming ownership or liability for a county ~~courthouse or~~
17 ~~other county~~ COURT OR JAIL facility. ~~that houses county offices and~~
18 ~~employees.~~ The county ~~shall continue~~ CONTINUES to have ownership and
19 liability for all such facilities.

20 (e) Once a county is awarded a grant, the county shall EITHER
21 complete the project as designated and described in the grant award OR
22 USE THE GRANT TO PAY THE VOTER-APPROVED DEBT SERVICE ON ANY
23 COUNTY-APPROVED FINANCING OF THE CONSTRUCTION OR REMODELING
24 OF A COURT OR JAIL FACILITY.

25 (3) ~~Counties that meet~~ A COUNTY THAT MEETS all four of the
26 criteria specified in subsection (4) of this section must be given the
27 highest priority for need-based grants for underfunded ~~courthouse~~ COURT

1 OR JAIL facilities pursuant to this part 3.

2 (4) ~~Counties that meet~~ A COUNTY THAT MEETS at least two of the
3 following criteria qualify for need-based grants for underfunded
4 ~~courthouse~~ COURT OR JAIL facilities pursuant to this part 3:

5 (5) A GRANT MAY ALSO BE AWARDED TO A COUNTY TO BE USED TO
6 PAY UP TO FIFTY PERCENT OF A COUNTY'S ANNUAL VOTER-APPROVED DEBT
7 SERVICE ON ANY COUNTY-APPROVED FINANCING FOR CAPITAL
8 CONSTRUCTION OR REMODELING COSTS OF A COURT OR JAIL FACILITY.

9 **SECTION 6.** In Colorado Revised Statutes, **amend** 13-1-306 as
10 follows:

11 **13-1-306. Legislative review - repeal.** The underfunded
12 ~~courthouse~~ COURT AND JAIL facility cash fund commission repeals on
13 September 1, 2035. Prior to repeal, the underfunded ~~courthouse~~ COURT
14 AND JAIL facility cash fund commission is subject to review as provided
15 in section 24-34-104.

16 **SECTION 7.** In Colorado Revised Statutes, 16-4-116, **amend**
17 (2)(a)(I) as follows:

18 **16-4-116. Bond hearing officer.** (2) (a) (I) Each judicial district
19 that contains a county that is designated as a high priority or eligible
20 county by the underfunded ~~courthouse~~ COURT AND JAIL facility cash fund
21 commission, created in section 13-1-303, has the right to have a bond
22 hearing officer conduct weekend and holiday bond hearings. The chief
23 judge of the judicial district shall notify the state court administrator if the
24 judicial district wants to have a bond hearing officer conduct bond
25 hearings on a weekend or holiday.

26 **SECTION 8.** In Colorado Revised Statutes, 24-34-104, **amend**
27 (36)(a)(VI) as follows:

1 **24-34-104. General assembly review of regulatory agencies**
2 **and functions for repeal, continuation, or reestablishment - legislative**
3 **declaration - repeal.** (36) (a) The following agencies, functions, or both
4 are scheduled for repeal on September 1, 2035:

5 (VI) The underfunded ~~courthouse~~ COURT AND JAIL facility cash
6 fund commission created in part 3 of article 1 of title 13.

7 **SECTION 9. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

BILL B

LLS NO. 25-0302.02 Jessica Herrera x4218

HOUSE BILL

HOUSE SPONSORSHIP

Garcia,

SENATE SPONSORSHIP

Amabile,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCENTIVES FOR COUNTIES THAT UTILIZE A REGIONAL**
102 **JAIL APPROACH, AND, IN CONNECTION THEREWITH, CREATING**
103 **A GRANT PROGRAM FOR COUNTIES ENTERING INTO AN**
104 **INTERGOVERNMENTAL AGREEMENT FOR A**
105 **MULTIJURISDICTIONAL COUNTY JAIL.**

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/>.)

Legislative Oversight Committee Concerning Colorado Jail Standards. Current law requires each county with a population of 2,000

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Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

or more to maintain a county jail. The bill exempts any such county from the requirement to maintain a county jail if the county has entered into an intergovernmental agreement with another county to operate a multijurisdictional county jail (intergovernmental agreement).

To incentivize counties to enter into an intergovernmental agreement, the bill creates the regional jail approach grant program within the division of criminal justice of the department of public safety and the regional jail approach program cash fund (fund) for the benefit of a county that hosts detainees or prisoners from another county to offset any increased operational costs. For the 2025-26 state fiscal year, the bill makes a one-time \$1 million transfer from the general fund to the fund.

The bill also authorizes counties entering into an intergovernmental agreement to utilize the state risk management system while permitting a respective board of county commissioners to opt out of participation in the state risk management system and seek an independent risk management program.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Many small counties cannot support the construction,
5 maintenance, operation, and staffing of a county jail;

6 (b) The state does not provide funding for county jail operations
7 to counties and imposes state-mandated requirements on county jails; and

8 (c) Counties have statutory authority to enter into
9 intergovernmental agreements and to construct multijurisdictional jails.

10 (2) Therefore, the general assembly finds and declares that it is
11 necessary to incentivize small counties to consolidate county jails and
12 create the regional jail approach grant program to ensure detainees and
13 prisoners from small counties have necessary resources.

14 **SECTION 2.** In Colorado Revised Statutes, **amend** 17-26-101 as
15 follows:

16 **17-26-101. Jail in each county.** (1) EXCEPT AS PROVIDED IN

1 SUBSECTION (2) OF THIS SECTION, there ~~shall be~~ IS maintained in each
2 county in this state, at the expense of the county, a county jail for the
3 detention, safekeeping, and confinement of persons and prisoners
4 lawfully committed. Nothing in this ~~article shall be construed to compel~~
5 ARTICLE 26 COMPELS the erection of jails in counties having a population
6 of less than two thousand or when the county owns a jail erected in any
7 other place in the county.

8 (2) A COUNTY THAT MAINTAINS AN INTERGOVERNMENTAL
9 AGREEMENT OR ANY OTHER CONTRACT WITH AT LEAST ONE OTHER
10 COUNTY FOR THE SAFEKEEPING OR CONFINEMENT OF PERSONS OR
11 PRISONERS LAWFULLY COMMITTED IS NOT REQUIRED TO MAINTAIN A
12 COUNTY JAIL WITHIN THE JURISDICTIONAL PHYSICAL BOUNDARIES OF SUCH
13 COUNTY.

14 **SECTION 3.** In Colorado Revised Statutes, **add** 24-33.5-537 as
15 follows:

16 **24-33.5-537. Regional jail approach grant program - fund -**
17 **rules - report - definitions - repeal.** (1) AS USED IN THIS SECTION,
18 UNLESS THE CONTEXT OTHERWISE REQUIRES:

19 (a) "FUND" MEANS THE REGIONAL JAIL APPROACH GRANT
20 PROGRAM CASH FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

21 (b) "PROGRAM" MEANS THE REGIONAL JAIL APPROACH GRANT
22 PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

23 (c) "TRANSFEREE COUNTY" MEANS A COUNTY THAT HAS ENTERED
24 INTO AN INTERGOVERNMENTAL AGREEMENT OR CONTRACT WITH ANOTHER
25 COUNTY AND, IN ACCORDANCE WITH THAT AGREEMENT, DETAINS,
26 ARRESTS, SAFEKEEPS, OR CONFINES PERSONS OR PRISONERS LAWFULLY
27 COMMITTED FROM A TRANSFEROR COUNTY.

1 (d) "TRANSFEROR COUNTY" MEANS A COUNTY THAT HAS ENTERED
2 INTO AN INTERGOVERNMENTAL AGREEMENT OR CONTRACT WITH ANOTHER
3 COUNTY AND, IN ACCORDANCE WITH THAT AGREEMENT, HAS DELEGATED
4 THE RESPONSIBILITY OF DETAINING, ARRESTING, SAFEKEEPING, OR
5 CONFINING PERSONS OR PRISONERS LAWFULLY COMMITTED TO A
6 TRANSFEREE COUNTY AS DEFINED IN SUBSECTION (1)(c) OF THIS SECTION.

7 (2) (a) THERE IS CREATED WITHIN THE DIVISION THE REGIONAL JAIL
8 APPROACH GRANT PROGRAM TO PROVIDE GRANTS TO COUNTIES THAT
9 ENTER INTO AN INTERGOVERNMENTAL AGREEMENT OR CONTRACT IN
10 ORDER TO CONSOLIDATE ONE OR MORE COUNTY JAIL FUNCTIONS. THE
11 PROGRAM IS INTENDED TO SUPPORT COUNTIES WITH INCREMENTAL
12 OPERATIONAL COSTS RELATED TO THE TERMS OF AN INTERGOVERNMENTAL
13 AGREEMENT OR CONTRACT ASSOCIATED WITH COUNTY JAIL
14 CONSOLIDATIONS, WHICH INCLUDE, BUT ARE NOT LIMITED TO:

15 (I) ADEQUATE STAFFING OR TRAINING FOR STAFF OF THE
16 TRANSFEREE JAIL;

17 (II) COSTS ASSOCIATED WITH INCREASED LIABILITY INSURANCE
18 RATES OR LEGAL FEES;

19 (III) OVERALL JAIL OPERATIONS INCLUDING MEDICAL,
20 BEHAVIORAL HEALTH, OR ROOM AND BOARD COSTS; AND

21 (IV) TRANSPORTATION COSTS, INCLUDING STAFFING COSTS,
22 MOTOR VEHICLE PURCHASE AND MAINTENANCE, AND MOTOR VEHICLE
23 INSURANCE.

24 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(II) OF THIS
25 SECTION, THE DIVISION SHALL AWARD SEVENTY PERCENT OF THE
26 AVAILABLE MONEY IN A PROGRAM GRANT CYCLE TO TRANSFEREE
27 COUNTIES AND THIRTY PERCENT OF THE MONEY AVAILABLE IN A PROGRAM

1 GRANT CYCLE TO TRANSFEROR COUNTIES.

2 (II) THE DIVISION MAY AWARD A GRANT TO A COUNTY THAT IS
3 OUTSIDE OF THE GRANT DISTRIBUTION PERCENTAGE REQUIREMENTS
4 PRESCRIBED IN SUBSECTION (2)(b)(I) OF THIS SECTION IF THE DIVISION HAS
5 AWARDED A GRANT TO ALL QUALIFIED COUNTIES AND HAS MONEY LEFT
6 OVER IN A GRANT CYCLE.

7 (c) A GRANT IS AWARDED FOR A FIVE-YEAR PERIOD, AND THERE IS
8 NO LIMIT TO THE NUMBER OF TIMES THAT A COUNTY MAY APPLY FOR AND
9 RECEIVE A GRANT.

10 (d) THE DIVISION SHALL GIVE PRIORITY FOR FUNDING TO:

11 (I) COUNTIES WITH SMALLER POPULATIONS AND LIMITED
12 FINANCIAL RESOURCES THAT RESTRICT THE COUNTIES' ABILITY TO
13 MAINTAIN A COUNTY JAIL;

14 (II) COUNTIES WITH INTERGOVERNMENTAL AGREEMENTS THAT
15 SHOW STRONG COLLABORATION AND DEDICATION TO A REGIONAL JAIL
16 APPROACH; AND

17 (III) COUNTIES DEDICATED TO SUPPORTING DEFENDANTS IN
18 TRANSPORTATION, INCLUDING AFTER THEIR RELEASE FROM CUSTODY.

19 (e) A COUNTY PARTICIPATING IN THE PROGRAM THAT REMOVES
20 ITSELF FROM AN INTERGOVERNMENTAL AGREEMENT REGARDING A
21 REGIONAL JAIL APPROACH WITH ANOTHER COUNTY IS NO LONGER ELIGIBLE
22 TO USE OR RECEIVE GRANT MONEY; EXCEPT THAT, IF A TRANSFEREE
23 COUNTY WITHDRAWS FROM AN INTERGOVERNMENTAL AGREEMENT, THE
24 RESPECTIVE TRANSFEROR COUNTY MAY CONTINUE TO UTILIZE GRANT
25 MONEY, WITH THE APPROVAL OF THE DIVISION, TO SUPPORT INTERMEDIATE
26 ACTIONS NECESSARY TO TRANSPORT AND SUPPORT PERSONS OR PRISONERS
27 LAWFULLY COMMITTED. THE TRANSFEROR COUNTY MAY USE ANY

1 REMAINING MONEY DEDICATED FOR THE RESPECTIVE TRANSFEREE COUNTY
2 THAT EXITED THE INTERGOVERNMENTAL AGREEMENT FOR THE
3 INTERMEDIATE ACTIONS NECESSARY TO TRANSPORT AND SUPPORT
4 PERSONS OR PRISONERS LAWFULLY COMMITTED AND MAY ALSO APPLY TO
5 THE DIVISION FOR SUPPLEMENTAL EMERGENCY GRANT MONEY.

6 (f) (I) A COUNTY MAY APPLY FOR A GRANT IF THE BOARD OF
7 COUNTY COMMISSIONERS OF THE COUNTY IS IN THE PROCESS OF
8 NEGOTIATING AN INTERGOVERNMENTAL AGREEMENT REGARDING A
9 REGIONAL JAIL APPROACH WITH ANOTHER COUNTY AND BOTH BOARDS OF
10 COUNTY COMMISSIONERS HAVE EXECUTED A LETTER OF COMMITMENT
11 STATING THAT A NEGOTIATION FOR AN INTERGOVERNMENTAL AGREEMENT
12 IS PENDING. A LETTER OF COMMITMENT IS NOT REQUIRED TO BE
13 CONTRACTUALLY BINDING ON EITHER BOARD OF COUNTY COMMISSIONERS
14 BUT MUST BE MADE IN GOOD FAITH IN A WAY THAT CAN BE EVIDENCED BY
15 BOARD OF COUNTY COMMISSIONERS MEETING MINUTES.

16 (II) THE DIVISION MAY ISSUE A LETTER OF INTENT TO AWARD A
17 GRANT ON THE BASIS OF A LETTER OF COMMITMENT PURSUANT TO
18 SUBSECTION (2)(f)(I) OF THIS SECTION WITHIN THIRTY DAYS OF THE
19 EXECUTION OF ANY SUCH LETTER OF COMMITMENT.

20 (3) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES FOR THE
21 IMPLEMENTATION AND ADMINISTRATION OF THE PROGRAM BY JANUARY
22 1, 2026. THE EXECUTIVE DIRECTOR MAY ADOPT A RULE THAT LIMITS THE
23 MAXIMUM GRANT AMOUNT.

24 (4) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
25 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
26 THIS SECTION. THE DIVISION SHALL TRANSMIT ALL MONEY RECEIVED
27 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO

1 SHALL CREDIT THE MONEY TO THE REGIONAL JAIL APPROACH GRANT
2 PROGRAM CASH FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

3 (5) THE REGIONAL JAIL APPROACH GRANT PROGRAM CASH FUND IS
4 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
5 APPROPRIATED TO THE FUND PURSUANT TO SUBSECTION (6) OF THIS
6 SECTION, ANY OTHER MONEY THAT IS APPROPRIATED OR TRANSFERRED TO
7 THE FUND BY THE GENERAL ASSEMBLY, AND ALL PRIVATE AND PUBLIC
8 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS THAT ARE
9 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND.
10 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE
11 DIVISION MAY EXPEND MONEY FROM THE FUND TO MAKE PROGRAM
12 GRANTS AND DEFRAY THE REASONABLE AND NECESSARY EXPENSES OF
13 ADMINISTERING THE PROGRAM.

14 (6) (a) ON JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER
15 ONE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND TO BE USED
16 FOR THE REGIONAL JAIL APPROACH GRANT PROGRAM.

17 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2026.

18 **SECTION 4.** In Colorado Revised Statutes, 24-30-1502, **amend**
19 (5)(a); and **add** (5)(c) as follows:

20 **24-30-1502. Definitions.** As used in this part 15, unless the
21 context otherwise requires:

22 (5) (a) "State agency" means any principal department of the state,
23 any state agency, institution, or hospital, any board, commission, advisory
24 board, or other entity established by law within or as an advisory to any
25 existing state department, institution, or agency, and any state-supported
26 institution of higher education or other instrumentality thereof, except as
27 provided in ~~paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b) OF

1 THIS SECTION and in section 24-30-1517 (2), and the legislative and
2 judicial departments of the state. The term also includes the Colorado
3 state fair authority created pursuant to section 35-65-401 ~~C.R.S.~~; and any
4 conservation district organized and certified pursuant to article 70 of title
5 35; ~~C.R.S.~~ except that, in the case of conservation districts, such inclusion
6 under the risk management fund is only for the purpose of liability
7 protection as defined in subsection (4.3) of this section. THE TERM ALSO
8 INCLUDES ANY COUNTY WITH A POPULATION OF LESS THAN FORTY
9 THOUSAND THAT ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT
10 WITH ANOTHER COUNTY AS DESCRIBED IN SECTION 17-26-101 (2); EXCEPT
11 THAT THE INCLUSION UNDER THE RISK MANAGEMENT FUND IS ONLY FOR
12 THE PURPOSE OF LIABILITY PROTECTION AS DEFINED IN SUBSECTION (4.3)
13 OF THIS SECTION.

14 (c) A COUNTY WITH A POPULATION OF LESS THAN FORTY
15 THOUSAND THAT HAS ENTERED INTO AN INTERGOVERNMENTAL
16 AGREEMENT WITH ANOTHER COUNTY AS DESCRIBED IN SECTION 17-26-101
17 (2) MAY ELECT TO BE EXCLUDED FROM THE MEANING OF "STATE AGENCY"
18 PURSUANT TO THIS SUBSECTION (5) AND MAY OBTAIN A RISK
19 MANAGEMENT PROGRAM INDEPENDENT OF THE PROGRAM CREATED
20 PURSUANT TO THIS PART 15 BY FORMAL ACTION OF THE RESPECTIVE
21 BOARD OF COUNTY COMMISSIONERS.

22 **SECTION 5. Effective date.** This act takes effect upon passage;
23 except that sections 3 and 4 of this act take effect August 1, 2025.

24 **SECTION 6. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.

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

BILL C

LLS NO. 25-0303.01 Michael Dohr x4347

HOUSE BILL

HOUSE SPONSORSHIP

Garcia,

SENATE SPONSORSHIP

Amabile and Gonzales,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING COMMUNICATION RIGHTS FOR PERSONS IN CUSTODY.**

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/>.)

Legislative Oversight Committee Concerning Colorado Jail Standards. Current law allows a person who is committed, imprisoned, or arrested (person in custody) the right to communicate with an attorney or family member by making a reasonable number of telephone calls or through any other reasonable manner. The bill adds the right for a person in custody to receive a reasonable number of telephone calls or other reasonable communications and to communicate through interactive

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

audiovisual conferencing, if available.

Current law allows a person in custody the right to consult with an attorney. The bill clarifies that the person in custody has the right to make and receive private and unrecorded legal telephone calls without cost, and, alternatively, to communicate through private unrecorded interactive audiovisual conferencing.

Current law requires all peace officers or individuals who have a person in custody to allow the person in custody to see and consult with an attorney, alone and in private, at the location the person in custody is being held. The bill expands this requirement to allow the attorney for the person in custody to call and consult with the person in custody by telephone through a private and unrecorded legal telephone call without cost or by making and receiving private and unrecorded interactive audiovisual conferencing calls without cost.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-3-402, **amend** (1),
3 (2), and (3) as follows:

4 **16-3-402. Right to communicate with attorney and family.**

5 (1) ~~Persons who are arrested shall have~~ A PERSON WHO IS ARRESTED HAS
6 the right to communicate with an attorney of ~~their~~ THE PERSON'S choice
7 and a member of ~~their~~ THE PERSON'S family by making a reasonable
8 number of telephone calls or by communicating in any other reasonable
9 manner. ~~Such~~ THE communication ~~shall~~ MUST be permitted at the earliest
10 possible time after arrival at the police station, sheriff's office, jail, or
11 other like confinement facility to which ~~such~~ THE person is first taken
12 after arrest.

13 (2) If the accused PERSON is transferred to a new place of custody,
14 ~~his~~ THE ACCUSED PERSON'S right to communicate with an attorney and a
15 member of ~~his~~ THE ACCUSED PERSON'S family is renewed.

16 (3) (a) Consistent with ~~the provisions of section 21-1-103, C.R.S.,~~
17 if ~~any~~ A person in custody indicates in any manner ~~his~~ THE desire to speak

1 with an attorney, or the court determines that an inquiry into the matter of
2 indigency should occur, ~~the~~ A public defender ~~shall be~~ IS permitted to
3 communicate with that person IN PERSON OR THROUGH TELEPHONE CALLS
4 AND, IF AVAILABLE, INTERACTIVE AUDIOVISUAL CONFERENCING OR ANY
5 OTHER REASONABLE AND AVAILABLE METHOD to determine whether ~~that~~
6 THE person IN CUSTODY has counsel, ~~and, if~~ WHETHER the person IN
7 CUSTODY desires ~~that~~ REPRESENTATION FROM the public defender, OR
8 PUBLIC DEFENDER'S AGENT, ~~represent him~~, AND to make an initial
9 determination as to whether the person IN CUSTODY is indigent. If the
10 public defender determines that the person IN CUSTODY is indigent, ~~such~~
11 THE person IN CUSTODY shall apply for representation by the public
12 defender in accordance with section 21-1-103. ~~C.R.S.~~

13 (b) The public defender, upon ~~his~~ request and with due regard for
14 reasonable law enforcement administrative procedures, ~~shall be~~ IS
15 permitted to determine whether or not ~~any~~ A person in custody has been
16 taken without unnecessary delay before the nearest available county or
17 district judge.

18 **SECTION 2.** In Colorado Revised Statutes, **amend** 16-3-403 as
19 follows:

20 **16-3-403. Right to consult with attorney.** ~~Any~~ A person
21 committed, imprisoned, or arrested for any cause, whether or not ~~such~~
22 THE person is charged with an offense, ~~shall be~~ IS allowed to consult IN
23 PERSON, ALONE, AND PRIVATELY AT THE PLACE OF CUSTODY, AND BY
24 MAKING AND RECEIVING PRIVATE UNRECORDED LEGAL TELEPHONE CALLS
25 WITHOUT COST, OR, ALTERNATIVELY, BY MAKING AND RECEIVING PRIVATE
26 UNRECORDED INTERACTIVE AUDIOVISUAL CONFERENCING CALLS WITHOUT
27 COST, with an attorney-at-law of this state whom ~~such~~ THE person desires

1 to see or consult alone and in private at the place of custody, BY MAKING
2 AND RECEIVING PRIVATE AND UNRECORDED LEGAL TELEPHONE CALLS
3 WITHOUT COST, OR, ALTERNATIVELY, BY COMMUNICATING THROUGH
4 PRIVATE AND UNRECORDED INTERACTIVE AUDIOVISUAL CONFERENCING,
5 as many times and for such period each time as is reasonable. Except
6 where extradition proceedings have been completed or are not required
7 by law, when ~~any such~~ A person IN CUSTODY is about to be moved beyond
8 the limits of this state, the person ~~to be moved shall be~~ IN CUSTODY IS
9 entitled to a reasonable delay for the purpose of obtaining counsel and ~~of~~
10 ~~availing himself of~~ BENEFITING FROM the laws of this state for the security
11 of personal liberty.

12 **SECTION 3.** In Colorado Revised Statutes, 16-3-404, **amend** (2);
13 and **add** (1.5) as follows:

14 **16-3-404. Duty of officers to admit attorney and allow**
15 **attorney communications.** (1.5) ALL PEACE OFFICERS OR PERSONS
16 HAVING IN CUSTODY A PERSON WHO IS COMMITTED, IMPRISONED, OR
17 ARRESTED FOR ANY ALLEGED CAUSE SHALL ALLOW ANY
18 ATTORNEY-AT-LAW IN THIS STATE WHO IS THE ATTORNEY FOR THE PERSON
19 IN CUSTODY TO CALL BY TELEPHONE AND SPEAK WITH OR CONSULT WITH
20 THE PERSON WHO IS IN CUSTODY, THROUGH A PRIVATE AND UNRECORDED
21 CALL, WHILE THE PERSON WHO IS IN CUSTODY IS AT THE JAIL OR OTHER
22 PLACE OF CUSTODY, OR, ALTERNATIVELY, TO COMMUNICATE THROUGH
23 INTERACTIVE AUDIOVISUAL CONFERENCING IF THE PERSON IN CUSTODY
24 EXPRESSLY CONSENTS TO RECEIVE THE CALL OR CONSULT WITH THE
25 ATTORNEY.

26 (2) ~~Any~~ A peace officer or person ~~violating~~ WHO VIOLATES the
27 ~~duty~~ DUTIES imposed by ~~this section~~ SUBSECTION (1) OR (1.5) OF THIS

1 SECTION or section 16-3-403 shall forfeit and pay not less than one
2 hundred dollars nor more than one thousand dollars to the person
3 COMMITTED, imprisoned, OR ARRESTED or to ~~his~~ THE PERSON'S attorney
4 for the benefit of the person COMMITTED, imprisoned, OR ARRESTED, to
5 be recovered in any court of competent jurisdiction.

6 **SECTION 4. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2026 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.