

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 20-1409

BY REPRESENTATIVE(S) Benavidez and Garnett, Bird, Buentello, Caraveo, Cutter, Duran, Esgar, Gonzales-Gutierrez, Herod, Jackson, Jaquez Lewis, Kipp, McCluskie, Mullica, Singer, Sirota, Snyder, Tipper, Valdez A., Weissman, Woodrow, Becker;
also SENATOR(S) Fields and Gonzales, Danielson, Fenberg, Ginal, Hansen, Moreno, Pettersen, Story, Todd, Winter, Garcia.

CONCERNING DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
INSPECTIONS OF PENAL INSTITUTIONS.

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

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

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

(i) (I) (A) To establish sanitary standards and make sanitary, sewerage, and health inspections and examinations for charitable, penal,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

and other public institutions. ~~and~~

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

(C) With respect to the state institutions under the department of human services specified in section 27-90-104 ~~C.R.S.~~, or under the department of corrections specified in section 17-1-104.3 (1)(b), ~~C.R.S.~~, such inspections and examinations ~~shall~~ MUST be made at least once each year AND ADDITIONAL UNANNOUNCED INSPECTIONS MAY BE CONDUCTED AFTER THE ANNUAL INSPECTION. Reports on such inspections of institutions under control of the department of human services or the department of corrections ~~shall~~ MUST be made to the executive director of the appropriate department for appropriate action, if any.

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

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

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO