

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0013.01 Michael Dohr x4347

**HOUSE BILL 22-1063**

---

**HOUSE SPONSORSHIP**

**Amabile and Benavidez,**

**SENATE SPONSORSHIP**

**(None),**

---

**House Committees**

Judiciary  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING CREATION OF A JAIL STANDARDS COMMISSION TO**  
102      **STANDARDIZE THE OPERATION OF COLORADO JAILS.**

---

**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>.)*

The bill creates the Colorado jail standards commission (commission) in the department of public safety. The commission creates standards for the operation of Colorado's county jails (jails) and updates the standards as necessary. The commission consists of the following 20 members:

- 5 sheriffs or senior jail administrators;

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.

- 2 county commissioners;
- 3 people with lived experience of being incarcerated or having a family member who is or was incarcerated in a jail;
- One mental health professional with experience working in a jail;
- One health professional with experience working in a jail;
- One person representing a lesbian, gay, bisexual, transgender, or queer advocacy organization;
- One person representing an organization advocating for the rights of people with disabilities;
- One person representing an organization advocating for the rights of communities of color;
- One person representing an organization advocating for the rights of persons with mental or physical disabilities;
- One non-law-enforcement person with experience working in a jail, appointed by the executive director of the department of public safety;
- The state public defender or the state public defender's designee;
- One district attorney, appointed by the Colorado district attorneys' council; and
- One person representing the department of public safety with expertise in jail operations.

The commission shall develop standards for all aspects of jail operations as follows:

- Reception and release;
- Classification of inmates;
- Security;
- Housing;
- Sanitation and environmental conditions;
- Communication;
- Visitation;
- Health care, mental and behavioral health care, and dental care;
- Food service;
- Recreation and programming;
- Inmate disciplinary processes;
- Restrictive housing;
- Inmate grievances;
- Staffing; and
- Inmates' prerogatives.

The commission shall establish standards regarding oversight of the standards; compliance with the standards, including a requirement for a biennial compliance inspection of each jail; a complaint process and

investigation process; and possible sanctions for noncompliance with or violations of the standards. The department of public safety shall promulgate rules adopting the standards and possible sanctions.

The department of public safety shall provide oversight of the implementation of the standards. The commission shall evaluate the effectiveness of the standards after implementation and make any needed changes to the standards.

The bill sunsets the commission on September 1, 2029.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 4 to article  
3 26 of title 17 as follows:

4 **PART 4**

5 **COLORADO JAIL STANDARDS COMMISSION**

6 **17-26-401. Colorado jail standards commission - creation -**  
7 **membership.** (1) THE COLORADO JAIL STANDARDS COMMISSION IS  
8 CREATED IN THE DEPARTMENT OF PUBLIC SAFETY AND REFERRED TO IN  
9 THIS PART 4 AS THE "COMMISSION". THE COMMISSION SHALL RECOMMEND  
10 STANDARDS FOR THE SAFE AND EFFECTIVE OPERATION OF COLORADO'S  
11 COUNTY JAILS, REFERRED TO IN THIS PART 4 AS "JAILS".

12 (2) THE COMMISSION IS COMPOSED OF THE FOLLOWING  
13 TWENTY-TWO MEMBERS:

14 (a) FIVE SHERIFFS OR SENIOR JAIL ADMINISTRATORS, APPOINTED BY  
15 THE STATEWIDE ORGANIZATION REPRESENTING COUNTY:

16 (I) ONE FROM A COUNTY IN EACH COUNTY CATEGORY I-IV, AS  
17 DEFINED BY SECTION 30-2-102; AND

18 (II) ONE FROM EITHER A CATEGORY V OR CATEGORY VI COUNTY,  
19 AS DEFINED BY SECTION 30-2-102;

20 (b) TWO COUNTY COMMISSIONERS, APPOINTED BY THE STATEWIDE  
21 ORGANIZATION REPRESENTING COUNTY COMMISSIONERS:

1 (I) ONE FROM EITHER A COUNTY CATEGORY I OR II COUNTY, AS  
2 DEFINED BY SECTION 30-2-102; AND

3 (II) ONE FROM A CATEGORY III, IV, V, OR VI COUNTY, AS DEFINED  
4 BY SECTION 30-2-102;

5 (c) THREE PERSONS WITH LIVED EXPERIENCE OF BEING  
6 INCARCERATED OR HAVING A FAMILY MEMBER WHO IS OR WAS  
7 INCARCERATED IN A JAIL, APPOINTED BY A STATEWIDE ORGANIZATION  
8 ADVOCATING FOR THE RIGHTS OF THE INCARCERATED IN COLORADO;

9 (d) ONE MENTAL HEALTH PROFESSIONAL WITH EXPERIENCE  
10 WORKING IN A JAIL, APPOINTED BY A STATEWIDE ORGANIZATION  
11 ADVOCATING FOR MENTAL HEALTH IN COLORADO;

12 (e) ONE PERSON REPRESENTING COMPETENCY SERVICES,  
13 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN  
14 SERVICES;

15 (f) ONE PERSON REPRESENTING THE BEHAVIORAL HEALTH  
16 ADMINISTRATION, APPOINTED BY THE COMMISSIONER OF THE BEHAVIORAL  
17 HEALTH ADMINISTRATION;

18 (g) ONE PERSON REPRESENTING POLICE OFFICERS, APPOINTED BY  
19 THE PRESIDENT OF A STATEWIDE ORGANIZATION REPRESENTING POLICE  
20 OFFICERS;

21 (h) ONE PERSON REPRESENTING A LESBIAN, GAY, BISEXUAL,  
22 TRANSGENDER, OR QUEER ADVOCACY ORGANIZATION, APPOINTED BY A  
23 STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS OF THE  
24 INCARCERATED IN COLORADO;

25 (i) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING  
26 FOR THE RIGHTS OF PEOPLE WITH DEVELOPMENTAL DISABILITIES,  
27 APPOINTED BY A STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS

1 OF THE INCARCERATED IN COLORADO;

2 (j) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING  
3 FOR THE RIGHTS OF PEOPLE OF COLOR, APPOINTED BY A STATEWIDE  
4 ORGANIZATION ADVOCATING FOR THE RIGHTS OF THE INCARCERATED IN  
5 COLORADO;

6 (k) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING  
7 FOR THE RIGHTS OF PERSONS WITH MENTAL OR PHYSICAL DISABILITIES,  
8 APPOINTED BY A STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS  
9 OF THE INCARCERATED IN COLORADO;

10 (l) ONE NON-LAW-ENFORCEMENT PERSON WITH EXPERIENCE  
11 WORKING IN A JAIL, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE  
12 DEPARTMENT OF PUBLIC SAFETY;

13 (m) THE STATE PUBLIC DEFENDER OR THE STATE PUBLIC  
14 DEFENDER'S DESIGNEE;

15 (n) ONE PERSON REPRESENTING DISTRICT ATTORNEYS, APPOINTED  
16 BY THE COLORADO DISTRICT ATTORNEYS' COUNCIL; AND

17 (o) ONE PERSON REPRESENTING THE DEPARTMENT OF PUBLIC  
18 SAFETY WITH EXPERTISE IN JAIL OPERATIONS, APPOINTED BY THE  
19 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

20  
21 (3) THE INITIAL COMMISSION MEMBERS MUST BE APPOINTED BY  
22 JULY 1, 2022.

23 (4) THE FIRST MEETING OF THE COMMISSION MUST BE HELD BY  
24 JULY 31, 2022. THE CHAIR OF THE COMMISSION SHALL SET THE MEETING  
25 DATES AND TIMES.

26 **17-26-402. Commission - duties.** (1) THE COMMISSION SHALL  
27 RECOMMEND STANDARDS IN COMPLIANCE WITH STATE AND FEDERAL LAW

- 1 FOR ALL ASPECTS OF JAIL OPERATIONS AS FOLLOWS:
- 2 (a) RECEPTION AND RELEASE, INCLUDING:
- 3 (I) IDENTIFYING THE ARRESTING, TRANSPORTING, OR COMMITTING
- 4 OFFICER;
- 5 (II) RECORDING INMATE INFORMATION IN A BOOKING AND
- 6 IDENTIFICATION RECORD FOR EVERY COMMITMENT;
- 7 (III) IDENTIFYING INMATES DURING RECEPTION BY PHOTOGRAPH,
- 8 IDENTIFICATION BRACELET, OR OTHER MEANS;
- 9 (IV) PROVIDING ACCESS TO TELEPHONES AFTER THE RECEPTION
- 10 PROCESS;
- 11 (V) SEARCHING, CONFISCATING, INVENTORYING, AND SECURING
- 12 OF UNAUTHORIZED ITEMS;
- 13 (VI) CONFISCATION, COUNTING, AND SECURING OF MONEY OR ANY
- 14 FORM OF CURRENCY;
- 15 (VII) SECURING THE INMATE'S SIGNATURE AND REQUIREMENTS
- 16 FOR WITNESS SIGNATURES ON A COMPLETED INVENTORY OF ITEMS AND
- 17 MONEY CONFISCATED;
- 18 (VIII) STRIP SEARCHES AND BODY CAVITY SEARCHES CONSISTENT
- 19 WITH COLORADO LAW;
- 20 (IX) DETERMINING WHEN AN INMATE SHOULD RECEIVE A SHOWER;
- 21 (X) PROVIDING INMATES WITH CLEAN UNIFORM CLOTHING OR
- 22 STANDARDS FOR WEARING PERSONAL CLOTHING;
- 23 (XI) THE AMOUNT OF TIME INMATES ARE CONFINED IN THE
- 24 RECEPTION AREA;
- 25 (XII) THE POSSESSION OF MONEY BY INMATES, INCLUDING
- 26 PROVISIONS TO PREVENT INMATE GAMBLING, THEFT, AND EXTORTION;
- 27 (XIII) PROVIDING INMATES WITH A LIST OF GENERALLY

1 APPLICABLE INMATE RULES;

2 (XIV) ASSISTING INMATES IN UNDERSTANDING THESE RULES IF

3 THERE ARE LITERACY OR LANGUAGE OBSTACLES;

4 (XV) OBTAINING SIGNED ACKNOWLEDGMENT FROM INMATES OF

5 RECEIPT AND UNDERSTANDING OF RULES;

6 (XVI) ENSURING THE SAFETY OF MALE, FEMALE, AND NONBINARY

7 INMATES DURING RECEPTION;

8 (XVII) VERIFYING INMATES' IDENTIFICATION AND RELEASE

9 DOCUMENTATION;

10 (XVIII) DOCUMENTING AN INMATE'S RELEASE TO ANOTHER

11 AGENCY;

12 (XIX) OBTAINING A RECEIPT FROM THE INMATE OR THE RECEIVING

13 OFFICER, AS APPROPRIATE, FOR ALL PROPERTY RETURNED AT THE TIME OF

14 RELEASE OR TRANSFER;

15 (XX) CONFINING JUVENILES WHEN PERMITTED BY COURT ORDER

16 PURSUANT TO SECTION 19-2.5-305;

17 (XXI) SCREENING AND ASSESSMENT FOR PHYSICAL DISABILITIES,

18 MENTAL OR BEHAVIORAL HEALTH DISORDERS, TRAUMATIC BRAIN INJURIES,

19 OR DEVELOPMENTAL DISABILITIES;

20 (XXII) PROVIDING ACCOMMODATIONS FOR PEOPLE WITH

21 DISABILITIES AS REQUIRED BY ALL APPLICABLE STATE AND FEDERAL LAW;

22 AND

23 (XXIII) CONSIDERING AGE AS A FACTOR IN THE CLASSIFICATION

24 OF INMATES;

25 (b) CLASSIFICATION OF INMATES, INCLUDING:

26 (I) A WRITTEN INMATE CLASSIFICATION SYSTEM THAT SPECIFIES

27 THE CRITERIA AND PROCEDURES FOR DETERMINING AND CHANGING THE

1 CLASSIFICATION OF INMATES TO DETERMINE THE LEVEL OF CUSTODY  
2 REQUIRED, SPECIAL NEEDS, HOUSING ASSIGNMENT, AND PARTICIPATION IN  
3 PROGRAMMING;

4 (II) HOUSING MALE, FEMALE, AND NONBINARY INMATES  
5 SEPARATELY BY SIGHT AND TOUCH, AND OUT OF RANGE OF NORMAL  
6 CONVERSATION WITH EACH OTHER;

7 (III) SUPERVISING MALE, FEMALE, AND NONBINARY INMATES  
8 WHEN PLACED TOGETHER FOR PROGRAMMING, TRANSPORTATION, OR  
9 OTHER SIMILAR ACTIVITIES;

10 (IV) HOUSING VIOLENT AND NONVIOLENT INMATES SEPARATELY;

11 (V) SUPERVISING VIOLENT AND NONVIOLENT INMATES WHEN  
12 PLACED TOGETHER FOR PROGRAMMING, TRANSPORTATION, OR OTHER  
13 SIMILAR ACTIVITIES;

14 (VI) HOUSING JUVENILE AND ADULT INMATES SEPARATELY;

15 (VII) SUPERVISING JUVENILE AND ADULT INMATES WHEN PLACED  
16 TOGETHER FOR PROGRAMMING, DINING, TRANSPORTATION, OR OTHER  
17 SIMILAR ACTIVITIES;

18 (VIII) ENSURING JUVENILE INMATES HAVE ACCESS TO  
19 LARGE-MUSCLE EXERCISE, EDUCATION, WORK OPPORTUNITIES, AND OTHER  
20 DEVELOPMENTALLY APPROPRIATE PROGRAMMING;

21 (IX) EVALUATING AND SELECTING INMATES FOR WORK WHILE  
22 INCARCERATED;

23 (X) HOUSING INMATES PARTICIPATING IN WORK OR EDUCATIONAL  
24 RELEASE PROGRAMS SEPARATELY FROM THE GENERAL POPULATION; AND

25 (XI) ESTABLISHING THE ACCEPTABLE PERSONAL AND HYGIENE  
26 ITEMS PROVIDED TO INMATES IN THE GENERAL POPULATION;

27 (c) SECURITY, INCLUDING:



- 1 (I) ESTABLISHING A SECURITY PERIMETER;
- 2 (II) ESTABLISHING A SECURE BOOKING AND RELEASE AREA;
- 3 (III) IF INSTALLED, ENSURING CLOSED-CIRCUIT TELEVISIONS ARE
- 4 OPERATIONAL AND PRECLUDE THE MONITORING OF SHOWER, TOILET, AND
- 5 CLOTHING EXCHANGE AREAS;
- 6 (IV) TWO-WAY COMMUNICATIONS BETWEEN CENTRAL CONTROL,
- 7 STAFFED POSTS, AND INMATE-OCCUPIED AREAS;
- 8 (V) HAVING EQUIPMENT NECESSARY TO MAINTAIN UTILITIES,
- 9 COMMUNICATIONS, SECURITY, LIFE-SAVING DEVICES, AND FIRE
- 10 PROTECTION IN AN EMERGENCY AND SCHEDULES TO TEST, REPAIR, AND
- 11 REPLACE EQUIPMENT IN A TIMELY MANNER;
- 12 (VI) PROCEDURES GOVERNING AVAILABILITY, CONTROL
- 13 INVENTORY, STORAGE, AND USE OF FIREARMS, LESS-THAN-LETHAL
- 14 DEVICES, AND RELATED SECURITY DEVICES AND SPECIFYING THE LEVEL OF
- 15 AUTHORITY REQUIRED FOR THEIR ACCESS AND USE;
- 16 (VII) USE OF AND AUTHORIZATION FOR CHEMICAL AGENTS AND
- 17 ELECTRICAL DISABLERS;
- 18 (VIII) RESTRICTIONS FOR ACCESS TO STORAGE AREAS;
- 19 (IX) SEPARATING STORAGE SPACE FROM INMATE HOUSING OR
- 20 ACTIVITY AREAS;
- 21 (X) ENSURING THE SAFETY OF MALE, FEMALE, AND NONBINARY
- 22 INMATES DURING RECEPTION;
- 23 (XI) INMATE SEARCHES WHEN INMATES ENTER OR LEAVE THE
- 24 JAIL'S SECURITY PERIMETER TO CONTROL CONTRABAND;
- 25 (XII) PROCEDURES AND PRACTICES GOVERNING STRIP AND BODY
- 26 CAVITY SEARCHES;
- 27 (XIII) EMERGENCY PLANS, INCLUDING TRAINING FOR JAIL

1 PERSONNEL IN THE IMPLEMENTATION OF EMERGENCY PLANS, AND  
2 PROCEDURES TO BE FOLLOWED IN SITUATIONS THAT THREATEN JAIL  
3 SECURITY;

4 (XIV) LOGGING ROUTINE INFORMATION, EMERGENCY SITUATIONS,  
5 AND UNUSUAL INCIDENTS;

6 (XV) COUNTING TO VERIFY EACH INMATE'S PHYSICAL PRESENCE  
7 AND IDENTIFICATION, INCLUDING THE NUMBER OF OFFICIAL DAILY COUNTS,  
8 RECONCILIATION OF JAIL COUNTS, AND RECORDING OF JAIL COUNTS;

9 (XVI) PERSONAL OBSERVATION CHECKS OF INMATES, INCLUDING  
10 REGULAR AND VARIABLE TIMING OF SUCH CHECKS AND DOCUMENTATION  
11 OF SUCH CHECKS;

12 (XVII) POLICIES FOR ADDRESSING THE MANAGEMENT OF INMATES  
13 WITH SPECIALIZED PHYSICAL AND MENTAL OR BEHAVIORAL HEALTH  
14 NEEDS;

15 (XVIII) USE OF PHYSICAL AND MECHANICAL RESTRAINTS,  
16 INCLUDING AUTHORIZING USE OF PHYSICAL RESTRAINTS AND MONITORING  
17 AND RECORDING THE CHECKS OF INMATES IN RESTRAINTS;

18 (XIX) DEFINING JUSTIFIABLE SELF-DEFENSE, PREVENTING  
19 SELF-INFLECTED HARM, PROTECTION OF OTHERS, RIOT PREVENTION,  
20 DISCHARGE OF A FIREARM OR OTHER WEAPON, ESCAPE OR OTHER CRIME,  
21 AND CONTROLLING OR SUBDUING AN INMATE WHO REFUSES TO OBEY A  
22 STAFF COMMAND OR ORDER;

23 (XX) DEFINING DE-ESCALATION STRATEGIES AND THE LIMITS OF  
24 THE AMOUNT OF FORCE NECESSARY TO CONTROL A GIVEN SITUATION, AND  
25 SPECIFYING THAT IN NO CIRCUMSTANCE IS PHYSICAL FORCE TO BE USED AS  
26 PUNISHMENT;

27 (XXI) SPECIFYING THAT AN EXAMINATION, TREATMENT, AND

1 PHOTOGRAPHIC DOCUMENTATION BY QUALIFIED HEALTH-CARE PERSONNEL  
2 IS PROVIDED TO INMATES OR STAFF INVOLVED IN A USE OF FORCE INCIDENT  
3 WHEN THERE IS OBVIOUS PHYSICAL INJURY OR THERE IS A COMPLAINT OF  
4 INJURY OR REQUEST FOR MEDICAL ATTENTION;

5 (XXII) SPECIFYING WHEN AND HOW AN INCIDENT WILL BE  
6 RECORDED AND REVIEWED BY THE JAIL ADMINISTRATOR OR DESIGNEE;

7 (XXIII) SEARCHES OF JAILS AND INMATES TO CONTROL  
8 CONTRABAND;

9 (XXIV) TIMING FOR INSPECTING INMATE-ACCESSIBLE AREAS;

10 (XXV) TIMING FOR A SECURITY INSPECTION OF THE JAIL;

11 (XXVI) NOTIFYING THE JAIL ADMINISTRATOR OR DESIGNEE OF  
12 ANY DISCOVERED CONTRABAND OR PHYSICAL SECURITY DEFICIENCIES;

13 (XXVII) DOCUMENTING THE DISPOSITION OF CONTRABAND AND  
14 THE REMEDIATION OF PHYSICAL SECURITY DEFICIENCIES;

15 (XXVIII) CONTROLLING INMATE MOVEMENT FROM ONE AREA TO  
16 ANOTHER;

17 (XXIX) STAFF SUPERVISION AND SEARCHES OF AN INMATE  
18 PERFORMING WORK;

19 (XXX) ENSURING AN INMATE IS NOT GIVEN CONTROL OF OR  
20 AUTHORITY OVER ANY OTHER INMATE, SECURITY FUNCTION, OR SERVICE  
21 ACTIVITY;

22 (XXXI) REQUIRING SAME-GENDER AND CROSS-GENDER  
23 SUPERVISION GUIDELINES;

24 (XXXII) CONTROLLING AND INVENTORYING KEYS, TOOLS, AND  
25 CULINARY EQUIPMENT;

26 (XXXIII) ENSURING TOXIC, CORROSIVE, AND FLAMMABLE  
27 SUBSTANCES AND TOOLS ARE SECURED, USED ONLY BY AUTHORIZED

1 PERSONS, USED BY INMATES ONLY UNDER DIRECT SUPERVISION, AND USED  
2 ONLY IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS; AND

3 (XXXIV) REQUIREMENTS THAT EACH JAIL HAVE POLICIES  
4 GOVERNING STAFF DISCIPLINE, INCLUDING COMPLAINTS AGAINST  
5 OFFICERS, THAT ARE AVAILABLE FOR PUBLIC INSPECTION;

6 (d) HOUSING, INCLUDING:

7 (I) SUFFICIENT SPACE STANDARDS REGARDING SQUARE FOOTAGE  
8 AND MAXIMUM OCCUPANCY FIGURES FOR ALL HOUSING AND HOLDING  
9 AREAS, INCLUDING HOLDING CELLS, HOUSING CELLS, DORMITORIES, DAY  
10 ROOMS, AND EATING AREAS;

11 (II) SUFFICIENT SEATING FOR ALL HOLDING AREAS, HOLDING  
12 CELLS, HOUSING CELLS, DORMITORIES, DAY ROOMS, AND EATING AREAS  
13 FOR EACH INMATE;

14 (III) AIR CIRCULATION FOR HOUSING CELLS;

15 (IV) TEMPERATURE STANDARDS AND MECHANICAL CONTROLS FOR  
16 ACCEPTABLE COMFORT LEVELS;

17 (V) ACCESS TO SANITATION FACILITIES WITHOUT STAFF  
18 ASSISTANCE;

19 (VI) A MINIMUM NUMBER OF TOILET FACILITIES, SHOWER  
20 FACILITIES, AND WASH BASINS FOR A SPECIFIED NUMBER OF OCCUPANTS;

21 (VII) WATER TEMPERATURE STANDARDS AND CONTROLS;

22 (VIII) MAXIMUM NOISE LEVELS MEASURED IN DECIBELS AND  
23 STANDARDS FOR MEASUREMENTS TO ENSURE COMPLIANCE;

24 (IX) NATURAL LIGHT PROVIDED IN HOUSING UNITS, DORMS, CELLS,  
25 AND DAY SPACES; AND

26 (X) STANDARDS FOR SUSPENDING AND REINSTATING INMATE  
27 ACCESS TO CLOTHING, BEDS, BEDDING, TOILETS, LAVATORIES, AND

- 1 SHOWERS BY THE JAIL ADMINISTRATOR OR DESIGNEE;
- 2 (e) SANITATION AND ENVIRONMENTAL CONDITIONS, INCLUDING:
- 3 (I) PROVIDING INMATES WITH HYGIENE ITEMS AT INTAKE AND
- 4 REPLACEMENT ITEMS TO INDIGENT INMATES;
- 5 (II) SAFETY AND SANITARY STANDARDS FOR ALL AREAS OF THE
- 6 JAIL, INCLUDING FOOD SERVICE AND LAUNDRY AREAS;
- 7 (III) DEFINING STAFF AND INMATE HOUSEKEEPING
- 8 RESPONSIBILITIES, INCLUDING DAILY CLEANING OF TOILETS, URINALS,
- 9 SINKS, DRINKING FACILITIES, AND SHOWERS IN AREAS OCCUPIED BY
- 10 INMATES, AND DISPOSAL OF GARBAGE;
- 11 (IV) TIMING AND PROCESSES FOR INSPECTING FOR SANITATION
- 12 AND VERMIN;
- 13 (V) MAINTENANCE AND REPAIRS;
- 14 (VI) INSPECTIONS BY LOCAL OR STATE HEALTH AUTHORITIES;
- 15 (VII) NIGHTTIME LIGHTING OF GROUNDS, WALKWAYS,
- 16 DRIVEWAYS, AND PARKING AREAS;
- 17 (VIII) INTERIOR LIGHTING STANDARDS;
- 18 (IX) BEDDING AND MATTRESS STANDARDS, INCLUDING THAT THE
- 19 BEDDING AND MATTRESS ARE IN GOOD REPAIR AND CLEANED PRIOR TO
- 20 BEING REISSUED;
- 21 (X) TIMING AND DOCUMENTATION FOR THE EXCHANGE AND
- 22 LAUNDERING OF BED LINENS, BLANKETS, TOWELS, CLOTHING, AND
- 23 UNDERGARMENTS;
- 24 (XI) TIMING TO CLEAN MATTRESSES;
- 25 (XII) A REQUIREMENT THAT WHEN SOILED, BEDDING,
- 26 MATTRESSES, TOWELS, AND CLOTHING BE EXCHANGED OR CLEANED;
- 27 (XIII) INMATE HAIRCUTS;

1 (XIV) SHAVING EQUIPMENT AND SUPPLIES AND DOCUMENTING  
2 ISSUANCE AND RETRIEVAL OF SHAVING EQUIPMENT; AND

3 (XV) TIMING OF INSPECTION BY A CERTIFIED LOCAL OR STATE FIRE  
4 SAFETY INSPECTOR APPLYING THE APPLICABLE JURISDICTIONAL AND STATE  
5 FIRE CODE, REQUIREMENTS FOR A WRITTEN FIRE SAFETY PLAN APPROVED  
6 BY LOCAL FIRE OFFICIALS THAT IS REVIEWED ANNUALLY AND UPDATED AS  
7 NEEDED, REQUIREMENTS FOR TRAINING IN JAIL FIRE SAFETY EQUIPMENT,  
8 REQUIREMENTS FOR FIRE DRILLS, REQUIREMENTS FOR JAIL FURNISHINGS TO  
9 MEET FIRE SAFETY PERFORMANCE STANDARDS, AND REQUIREMENTS FOR  
10 JAIL EXITS TO BE CLEAR AND THAT EVACUATION ROUTES BE POSTED OR  
11 CLEARLY MARKED THROUGHOUT THE JAIL;

12 (f) COMMUNICATION, INCLUDING:

13 (I) DELIVERING INCOMING OR OUTGOING MAIL OR  
14 CORRESPONDENCE VIA THE POSTAL SERVICE;

15 (II) OPENING AND INSPECTING INCOMING INMATE MAIL,  
16 CORRESPONDENCE, AND PACKAGES TO INTERCEPT NONPERMITTED ITEMS;

17 (III) OPENING AND INSPECTING OUTGOING MAIL;

18 (IV) DOCUMENTING PROCEDURES FOR THE APPROPRIATE  
19 DISPOSITION OF INTERCEPTED ITEMS;

20 (V) PERMITTING LEGAL MAIL OR CORRESPONDENCE TO BE OPENED  
21 AND INSPECTED IN THE PRESENCE OF THE INMATE TO INTERCEPT  
22 CONTRABAND;

23 (VI) CIRCUMSTANCES IN WHICH MAIL, CORRESPONDENCE, AND  
24 PACKAGES ARE WITHHELD OR REJECTED, INCLUDING NOTIFICATION TO THE  
25 INMATE;

26 (VII) WRITING MATERIALS, ENVELOPES, AND POSTAGE FOR  
27 INDIGENT INMATES;

- 1 (VIII) INMATE E-MAIL SERVICE;
- 2 (IX) INMATE TELEPHONE SERVICE; AND
- 3 (X) ACCESS TO LEGAL COUNSEL;
- 4 (g) VISITATION, INCLUDING:
  - 5 (I) A SECURE VISITING AREA, INCLUDING STANDARDS FOR
  - 6 PHYSICALLY SEPARATING THE INMATE AND VISITOR AND CAPABILITIES FOR
  - 7 TWO-WAY CONVERSATIONS AND NONOBSCURED VISITS OR VIDEO VISITS;
  - 8 (II) SEATING IN THE VISITATION AREA;
  - 9 (III) IDENTIFICATION REQUIREMENTS FOR VISITORS;
  - 10 (IV) REGISTRY REQUIREMENTS FOR VISITORS;
  - 11 (V) GENERAL VISITATION HOURS;
  - 12 (VI) VIDEO VISITATIONS HOURS;
  - 13 (VII) VISITOR SECURITY PROTOCOLS TO PREVENT CONTRABAND
  - 14 FROM ENTERING THE JAIL;
  - 15 (VIII) VISIT RESTRICTIONS BASED ON THREATS TO SAFETY OR
  - 16 SECURITY;
  - 17 (IX) MONITORING AND RECORDING VISITS, PHONE CALLS, AND
  - 18 ELECTRONIC COMMUNICATIONS; AND
  - 19 (X) PROFESSIONAL VISITS BY LEGAL COUNSEL OR CLERGY,
  - 20 INCLUDING MEASURES TO PROTECT CONFIDENTIALITY;
- 21 (h) HEALTH CARE, MENTAL AND BEHAVIORAL HEALTH CARE, AND
- 22 DENTAL CARE, INCLUDING:
  - 23 (I) ALL LEVELS OF HEALTH CARE, MENTAL AND BEHAVIORAL
  - 24 HEALTH CARE, AND DENTAL CARE THAT ASSURE QUALITY, ACCESSIBILITY,
  - 25 AND TIMELY SERVICES FOR INMATES;
  - 26 (II) ARRANGING CARE FROM AN APPROPRIATE OUTSIDE PROVIDER
  - 27 WHEN CARE IS NOT AVAILABLE AT THE JAIL;

1 (III) REQUIRING THAT MEDICAL, MENTAL, AND BEHAVIORAL  
2 HEALTH DECISIONS AND ACTIONS ARE MADE ONLY BY QUALIFIED  
3 HEALTH-CARE AND MENTAL AND BEHAVIORAL HEALTH-CARE  
4 PROFESSIONALS;

5 (IV) REQUIRING THAT AN INMATE IS NOT DENIED NECESSARY  
6 CARE;

7 (V) REQUIRING THAT ALL EXAMINATIONS, TREATMENTS, AND  
8 PROCEDURES ARE GOVERNED BY INFORMED CONSENT PRACTICES  
9 APPLICABLE IN THE JAIL'S JURISDICTION;

10 (VI) REQUIRING THAT THE JAIL ASSESS THE HEALTH OF EACH  
11 INMATE AT INTAKE AND ON AN ONGOING BASIS AND CREATE A PLAN TO  
12 PROVIDE CONTINUITY OF CARE FOR INMATES WHO ARE BEING TREATED FOR  
13 A HEALTH CONDITION;

14 (VII) PROVIDING EMERGENCY CARE, SICK CHECKS, AND PHYSICAL  
15 HEALTH CARE, MENTAL AND BEHAVIORAL HEALTH CARE, AND DENTAL  
16 CARE THAT ENSURES NEEDS ARE:

17 (A) ADDRESSED IN A TIMELY MANNER;

18 (B) RECORDED AND MAINTAINED ON FILE; AND

19 (C) REVIEWED BY QUALIFIED HEALTH-CARE PERSONNEL WITH  
20 TREATMENT OR FOLLOW-UP PROVIDED;

21 (VIII) DISPENSING AND ADMINISTERING PRESCRIBED  
22 MEDICATIONS, INCLUDING:

23 (A) REQUIRING THAT HEALTH-TRAINED PERSONNEL OR  
24 PROFESSIONALLY TRAINED PERSONNEL DISPENSE AND ADMINISTER  
25 MEDICATIONS;

26 (B) REQUIRING ADEQUATE MANAGEMENT OF CONTROLLED  
27 MEDICATIONS;



1 (C) PROVIDING MEDICATION TO INMATES IN SPECIAL  
2 MANAGEMENT UNITS;

3 (D) REQUIRING THE APPLICABLE INFORMED CONSENT PRACTICES  
4 IN THE JAIL'S JURISDICTION BE FOLLOWED; AND

5 (E) DEVELOPING A STANDARDIZED FORMULARY AND A PROCESS  
6 FOR ACCESSING MEDICATIONS NOT LISTED WHEN MEDICALLY NECESSARY;

7 (IX) REDUCING SUICIDE BY IDENTIFYING AT-RISK INMATES AND  
8 TRAINING STAFF MEMBERS ON HOW TO RECOGNIZE VERBAL AND  
9 BEHAVIORAL CUES THAT INDICATE POTENTIAL SUICIDE AND HOW TO  
10 RESPOND APPROPRIATELY;

11 (X) PROVIDING INFECTIOUS DISEASE CONTROL;

12 (XI) PROVIDING CARE FOR PREGNANT INMATES; AND

13 (XII) ASSESSING AND REPORTING INMATE DEATHS;

14 (i) FOOD SERVICE, INCLUDING:

15 (I) NUTRITIONAL STANDARDS;

16 (II) TIMING AND FREQUENCY OF MEALS;

17 (III) SPECIAL DIETS; AND

18 (IV) SAFE STORAGE AND PREPARATION OF FOOD;

19 (j) RECREATION AND PROGRAMMING, INCLUDING:

20 (I) REGULAR ACCESS TO EXERCISE AND EQUIPMENT FOR INMATES;

21 (II) TELEVISION VIEWING AND TABLE GAMES;

22 (III) READING MATERIALS;

23 (IV) TREATMENT FOR ALCOHOL AND DRUG ABUSE;

24 (V) ACADEMIC TRAINING;

25 (VI) PSYCHOLOGICAL AND SOCIAL SERVICES AND OTHER  
26 COMMUNITY SERVICES; AND

27 (VII) RELIGIOUS PRACTICE;

- 1 (k) INMATE DISCIPLINARY PROCESSES, INCLUDING:
- 2 (I) STANDARDS FOR RESTRICTIVE HOUSING;
- 3 (II) PROHIBITED ACTS OR CONDUCT, DEGREES OF VIOLATIONS,
- 4 RANGES OF PENALTIES, AND DISCIPLINARY HEARING PROCEDURES;
- 5 (III) A SANCTION SCHEDULE FOR RULE VIOLATIONS;
- 6 (IV) ESTABLISHING FUNDAMENTAL RIGHTS FOR INMATES THAT
- 7 CANNOT BE SUSPENDED EXCEPT IN AN EMERGENCY OR OTHER CONDITION
- 8 BEYOND THE CONTROL OF THE JAIL ADMINISTRATOR;
- 9 (V) BANNING THE USE OF CORPORAL PUNISHMENT, DISCIPLINE
- 10 ADMINISTERED BY INMATES, AND WITHHOLDING FOOD FROM INMATES;
- 11 (VI) CIRCUMSTANCES UNDER WHICH A DISCIPLINARY HEARING IS
- 12 CONDUCTED;
- 13 (VII) PRE-DISCIPLINARY HEARING REQUIREMENTS;
- 14 (VIII) ESTABLISHING A MINIMUM PERIOD AFTER RECEIVING
- 15 WRITTEN NOTIFICATION OF A RULE VIOLATION TO ALLOW AN INMATE TO
- 16 PREPARE FOR THE DISCIPLINARY HEARING;
- 17 (IX) DISCIPLINARY HEARING REQUIREMENTS THAT INCLUDE
- 18 ENSURING DUE PROCESS PROTECTIONS ARE AFFORDED; AND
- 19 (X) THE OPPORTUNITY TO APPEAL DISCIPLINARY ACTIONS TO THE
- 20 JAIL ADMINISTRATOR OR DESIGNEE;
- 21 (l) RESTRICTIVE HOUSING, INCLUDING:
- 22 (I) WRITTEN POLICIES AND PROCEDURES GOVERNING THE
- 23 RESTRICTIVE HOUSING OF INMATES FROM THE GENERAL POPULATION;
- 24 (II) BANNING THE USE OF RESTRICTIVE HOUSING AS A PENALTY;
- 25 (III) CIRCUMSTANCES WHEN RESTRICTIVE HOUSING MAY BE USED
- 26 TO SEPARATE AN INMATE FROM THE GENERAL POPULATION;
- 27 (IV) WRITTEN NOTIFICATIONS OF RESTRICTIVE HOUSING TO THE

1 INMATE; AND  
2 (V) TIMING FOR REVIEW OF RESTRICTIVE HOUSING;  
3 (m) INMATE GRIEVANCES, INCLUDING:  
4 (I) ESTABLISHING A WRITTEN GRIEVANCE PROCEDURE FOR  
5 INMATES WITH AT LEAST ONE LEVEL OF APPEAL; AND  
6 (II) PROHIBITING RETALIATION BY STAFF BASED ON AN INMATE  
7 GRIEVANCE;  
8 (n) JAIL STAFFING, INCLUDING:  
9 (I) QUALIFICATIONS FOR STAFF TO SUPERVISE AND CONTROL  
10 INMATES;  
11 (II) PRE-EMPLOYMENT BACKGROUND CHECKS;  
12 (III) STANDARDIZED PERFORMANCE REVIEWS;  
13 (IV) STAFFING PLANS;  
14 (V) POSTS AND FUNCTIONS;  
15 (VI) GENDER OF STAFF;  
16 (VII) REVIEW OF STAFFING PLANS;  
17 (VIII) REQUIRING REVIEW OF THE STAFFING PLANS AT LEAST ONCE  
18 A YEAR BY THE JAIL ADMINISTRATOR AND REVISED AS NEEDED;  
19 (IX) VOLUNTEER POLICIES;  
20 (X) CODE OF ETHICS; AND  
21 (XI) STAFF TRAINING STANDARDS FOR ALL LEVELS OF EMPLOYEES;  
22 AND  
23 (o) INMATE PREROGATIVES REGARDING:  
24 (I) EXPRESSION AND COMMUNICATION;  
25 (II) RELIGIOUS PRACTICE;  
26 (III) ACCESS TO THE COURTS;  
27 (IV) ACCESS TO LEGAL COUNSEL, INCLUDING THE ABILITY FOR

1 LEGAL COUNSEL TO CONTACT A CLIENT BY SCHEDULING A TELEPHONE OR  
2 VIDEO MEETING;

3 (V) ACCESS TO LEGAL MATERIALS AND DISABILITY RIGHTS;

4 (VI) ACCESS TO THE MEDIA;

5 (VII) STANDARDS FOR WHEN ACCESS TO EDUCATION IS  
6 APPROPRIATE; AND

7 (VIII) DISCIPLINARY ACTION AND USE OF FORCE.

8 (2) THE COMMISSION SHALL COMPLETE A REPORT THAT INCLUDES  
9 ITS RECOMMENDATIONS REGARDING THE FEASIBILITY OF JAILS OF  
10 VARIOUS SIZES AND THEIR ABILITY TO IMPLEMENT THE  
11 RECOMMENDATIONS BY DECEMBER 31, 2023. THE COMMISSION SHALL  
12 PRESENT THE REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND  
13 THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES,  
14 DURING HEARINGS HELD DURING THE 2024 REGULAR SESSION PURSUANT  
15 TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
16 TRANSPARENT GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

17 **17-26-403. Repeal of part.** THIS PART 4 IS REPEALED, EFFECTIVE  
18 JULY 1, 2024.

19

20 **SECTION 2.** In Session Laws of Colorado 2021, **amend** section  
21 4 of chapter 322 as follows:

22 Section 4. **Effective date.** This act takes effect upon passage;  
23 except that section 1 of this act takes effect on ~~July 1, 2022~~ JULY 1, 2023,  
24 and section 2 of this act takes effect on January 1, 2022.

25 **SECTION 3. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety.