

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0353.01 Owen Hatch x2698

**HOUSE BILL 26-1039**

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**HOUSE SPONSORSHIP**

**Carter and Ricks**, Richardson

**SENATE SPONSORSHIP**

**Jodeh and Weissman**,

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

**101 CONCERNING REQUIREMENTS FOR MUNICIPAL 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>.)*

The bill requires municipal jails to comply with existing jail data collection requirements, standards, and oversight. The bill limits a municipal jail to holding a person for no longer than 72 hours.

The bill requires a keeper of a municipal jail to take all reasonable steps, prioritizing the health and welfare of the pregnant person, to release a pregnant person from custody if jail staff have a reasonable belief the person is in labor. If the pregnant person in labor is not released, the use of restraints is prohibited during the labor, delivery, and postpartum

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.

recovery and the jail staff shall make a written record that the labor, delivery, and postpartum recovery occurred at the jail.

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 2-3-1901.5

3       as follows:

4           **2-3-1901.5. Jail standards compliance.**

5       Each county jail shall comply with the standards adopted by the  
6       legislative oversight committee pursuant to section 2-3-1901 (2).  
7       **beginning July 1, 2026.** EACH MUNICIPAL JAIL, AS DESCRIBED IN SECTION  
8       31-15-401, SHALL COMPLY WITH THE STANDARDS ADOPTED BY THE  
9       COMMITTEE, BEGINNING JULY 1, 2027. The committee shall post the  
10      standards on its website. If the committee revises a jail standard, each  
11      county jail AND MUNICIPAL JAIL shall comply with the revised standard no  
12      later than one year after the revision is adopted, or earlier if specified by  
13      the committee when adopting the revision. A county jail OR MUNICIPAL  
14      JAIL does not have to comply with a standard or revised standard if it  
15      receives a variance from the standard pursuant to section 30-10-530  
16      (5)(g).

17           **SECTION 2.** In Colorado Revised Statutes, **add** 17-26-101.5 as  
18       follows:

19           **17-26-101.5. Jail operated by city.**

20       A MUNICIPAL JAIL, AS DESCRIBED IN SECTION 31-15-401, OPERATED  
21       BY A CITY GOVERNMENT MUST COMPLY WITH ALL PROVISIONS IN THIS  
22       ARTICLE 26 AND MUST BE MAINTAINED AT THE EXPENSE OF THE CITY. A  
23       CITY MAY ACCEPT AND EXPEND FUNDS TO MAINTAIN A MUNICIPAL JAIL. A  
24       MUNICIPAL JAIL SHALL NOT HOLD A PERSON FOR MORE THAN

1 SEVENTY-TWO HOURS. NOTHING IN THIS ARTICLE 26 COMPELS THE  
2 ERECTION OF A JAIL IN A CITY.

3 **SECTION 3.** In Colorado Revised Statutes, **amend 17-26-104.7**  
4 as follows:

5 **17-26-104.7. Prohibition against the use of restraints on**  
6 **pregnant persons in custody.**

7 (1) (a) The staff of a county OR MUNICIPAL jail, in restraining a  
8 ~~woman~~ PERSON who is committed, detained, or confined to ~~the~~ A county  
9 OR MUNICIPAL jail, shall use the least restrictive restraints necessary to  
10 ensure safety if the staff of the county OR MUNICIPAL jail have a  
11 reasonable belief that the ~~woman~~ PERSON is pregnant. For the use of  
12 restraints during labor, delivery, and postpartum recovery IN A COUNTY  
13 JAIL, the staff shall comply with the "Protection of Individuals from  
14 Restraint and Seclusion Act", article 20 of title 26. DESPITE THE RELEASE  
15 REQUIREMENT IN SUBSECTION (1)(b) OF THIS SECTION, IF LABOR,  
16 DELIVERY, OR POSTPARTUM RECOVERY OCCURS AT A MUNICIPAL JAIL, USE  
17 OF RESTRAINTS IS PROHIBITED DURING THE LABOR, DELIVERY, AND  
18 POSTPARTUM RECOVERY.

19 (b) THE KEEPER OF THE MUNICIPAL JAIL SHALL RELEASE A  
20 PREGNANT PERSON FROM CUSTODY IF THE STAFF OF THE MUNICIPAL JAIL  
21 HAVE A REASONABLE BELIEF THE PERSON IS IN LABOR, UNLESS REMAINING  
22 IN CUSTODY IS NECESSARY FOR THE HEALTH OR WELFARE OF THE  
23 PREGNANT PERSON. THE KEEPER OF THE JAIL SHALL OFFER THE PERSON  
24 TRANSPORTATION TO THE HOSPITAL AND RELEASE THE PERSON ON AN  
25 UNSECURED PERSONAL RECOGNIZANCE BOND WITH NO OTHER CONDITIONS  
26 RETURNABLE TO THE MUNICIPAL COURT.

27 (2) (a) Repealed.



14                   **SECTION 4.** In Colorado Revised Statutes, 17-26-118, amend  
15                   (1)(f) as follows:

## 17-26-118. Criminal justice data collection - definitions.

22                   **SECTION 5.** In Colorado Revised Statutes, **add** 17-26-126.5 as  
23 follows:

**17-26-126.5. Council members to examine city jail.**

25 IF A CITY HAS A MUNICIPAL JAIL THAT IS MAINTAINED AND  
26 OPERATED BY THE CITY GOVERNMENT, THE GOVERNING BODY MEMBERS  
27 SHALL, AS OFTEN AS THEY DEEM NECESSARY BUT AT LEAST ONCE A YEAR,

1 PERSONALLY EXAMINE THE MUNICIPAL JAIL. THE GOVERNING BODY  
2 MEMBERS SHALL EXAMINE THE JAIL'S MANAGEMENT AND SUFFICIENCY  
3 AND CORRECT ALL IRREGULARITIES AND IMPROPRIETIES FOUND DURING  
4 THEIR EXAMINATION.

5 **SECTION 6.** In Colorado Revised Statutes, 24-31-118, **amend**  
6 (1)(a), (1)(c), (1)(d), and (2) as follows:

7 **24-31-118. Jail standard assessments - repeal.**

8 (1) (a) The attorney general, in collaboration with the advisory  
9 committee, pursuant to section 30-10-530 (5)(d), may conduct  
10 assessments of each county jail AND MUNICIPAL JAIL to identify gaps and  
11 deficiencies based on the jail standards.

12 (c) An elected sheriff OR A KEEPER OF A MUNICIPAL JAIL may  
13 request that the attorney general conduct a special assessment of a jail that  
14 the sheriff OR KEEPER OF THE MUNICIPAL JAIL oversees to determine  
15 whether the jail meets the jail standards. The attorney general may  
16 conduct the special assessment if the attorney general has sufficient  
17 appropriations to cover the costs. The attorney general may request an  
18 appropriation during the figure setting process to conduct special  
19 assessments.

20 (d) The attorney general may enter into a memorandum of  
21 understanding, collaborate, or enter into an agreement with a county  
22 sheriff OR KEEPER OF A MUNICIPAL JAIL, except for a county sheriff OR  
23 KEEPER OF A MUNICIPAL JAIL whose jail is being evaluated, or establish  
24 some other peer review group structure to assist in conducting the  
25 assessments and reports described in ~~section 24-31-118 (1) and (2)~~ THIS  
26 SUBSECTION (1) AND SUBSECTION (2) OF THIS SECTION.

27 (2) The attorney general's office shall create a report for each of

1 the jails assessed by the attorney general's office and provide the report  
2 to the sheriff OR KEEPER OF A MUNICIPAL JAIL whose jail was assessed; the  
3 oversight committee; the board of county commissioners in the county  
4 where the jail is located OR, FOR A MUNICIPAL JAIL, THE GOVERNING BODY  
5 IN THE CITY WHERE THE JAIL IS LOCATED; the county sheriffs of Colorado;  
6 and the governor. The report may include methodology, relevant data,  
7 recommendations, and technical assistance to meet the jail standards. A  
8 report produced pursuant to this section is not subject to the "Colorado  
9 Open Records Act", PART 2 OF ARTICLE 72 OF THIS TITLE 24. The attorney  
10 general may release a report at the attorney general's discretion, and a  
11 county sheriff OR KEEPER OF THE MUNICIPAL JAIL may release a report  
12 relating to the county sheriff's OR KEEPER OF THE MUNICIPAL JAIL's jail  
13 after consent from the attorney general's office.

14 **SECTION 7.** In Colorado Revised Statutes, 26-20-102, **amend**  
15 (1)(a)(VII); and **add** (1)(a)(VIII) as follows:

16 **26-20-102. Definitions.**

17 As used in this article 20, unless the context otherwise requires:

18 (1) (a) "Agency" means:

19 (VII) A county jail, as described in section 17-26-101, for  
20 restraints on a pregnant person in labor, delivery, or postpartum recovery;  
21 OR

22 (VIII) A MUNICIPAL JAIL, AS DESCRIBED IN SECTION 17-26-101.5,  
23 FOR RESTRAINTS ON A PREGNANT PERSON IN LABOR, DELIVERY, OR  
24 POSTPARTUM RECOVERY.

25 **SECTION 8. Act subject to petition - effective date.** This act  
26 takes effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly (August

1      12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
2      referendum petition is filed pursuant to section 1 (3) of article V of the  
3      state constitution against this act or an item, section, or part of this act  
4      within such period, then the act, item, section, or part will not take effect  
5      unless approved by the people at the general election to be held in  
6      November 2026 and, in such case, will take effect on the date of the  
7      official declaration of the vote thereon by the governor.