

## HOUSE COMMITTEE OF REFERENCE REPORT

April 6, 2021

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## Chair of Committee

Date

## Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB21-1211 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

### PART 3

## RESTRICTIVE HOUSING IN JAILS

**17-26-301. Legislative declaration. (1) THE GENERAL ASSEMBLY**

**FINDS THAT:**

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

13 (b) ACCORDING TO THE NATIONAL COMMISSION ON  
14 CORRECTIONAL HEALTH CARE, PROLONGED SOLITARY CONFINEMENT IS  
15 CRUEL, INHUMANE, AND DEGRADING TREATMENT AND HARMFUL TO AN  
16 INDIVIDUAL'S HEALTH, AND JUVENILES, INDIVIDUALS WITH SERIOUS  
17 MENTAL ILLNESS, AND PREGNANT WOMEN SHOULD BE EXCLUDED FROM  
18 SOLITARY CONFINEMENT OF ANY DURATION;

19 (c) THE WORLD HEALTH ORGANIZATION, UNITED NATIONS, AND  
20 OTHER INTERNATIONAL BODIES HAVE RECOGNIZED THAT SOLITARY  
21 CONFINEMENT IS HARMFUL TO HEALTH;

22 (d) PSYCHOLOGICAL EFFECTS CAUSED BY PLACEMENT IN  
23 ISOLATION CAN INCLUDE SELF-HARM, SUICIDE, PARANOIA, PSYCHOSIS,



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1 COGNITIVE DISTURBANCES, PERCEPTUAL DISTORTIONS, OBSESSIVE  
2 THOUGHTS, ANXIETY, AND DEPRESSION;

3 (e) STUDIES HAVE SHOWN THAT THE PSYCHOLOGICAL STRESS  
4 CREATED FROM SOLITARY CONFINEMENT COMPARES TO THE DISTRESS OF  
5 PHYSICAL TORTURE. ACCORDING TO UNITED STATES DISTRICT JUDGE  
6 THELTON HENDERSON, PUTTING AN INDIVIDUAL WITH A SERIOUS MENTAL  
7 ILLNESS IN SOLITARY CONFINEMENT IS THE EQUIVALENT OF PUTTING A  
8 PERSON WITH ASTHMA IN A PLACE WITH LITTLE AIR.

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

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

20 (h) INTERNATIONAL STANDARDS ESTABLISHED BY THE UNITED  
21 NATIONS RULES FOR THE TREATMENT OF WOMEN PRISONERS AND  
22 NON-CUSTODIAL MEASURES FOR WOMEN OFFENDERS STATE THAT  
23 PREGNANT WOMEN SHOULD NEVER BE PLACED IN SOLITARY CONFINEMENT  
24 AS THEY ARE ESPECIALLY SUSCEPTIBLE TO ITS HARMFUL PSYCHOLOGICAL  
25 EFFECTS.

26 (2) THEREFORE, THE GENERAL ASSEMBLY DECLares THAT DUE TO  
27 THE SUBSTANTIAL NEGATIVE IMPACTS OF PLACING JUVENILES AND ADULTS  
28 WITH SPECIFIC HEALTH CONDITIONS IN RESTRICTIVE HOUSING, THE STATE  
29 MUST TAKE IMMEDIATE STEPS TO END AND PROHIBIT THE USE OF  
30 RESTRICTIVE HOUSING OF JUVENILES AND ADULTS WITH SPECIFIC HEALTH  
31 CONDITIONS IN COLORADO JAILS.

32 **17-26-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
33 CONTEXT OTHERWISE REQUIRES:

34 (1) "INTELLECTUAL OR DEVELOPMENTAL DISABILITY" MEANS A  
35 DISABILITY ATTRIBUTABLE TO AN INTELLECTUAL OR DEVELOPMENTAL  
36 CONDITION, AS DEFINED IN THE LATEST EDITION OF THE DIAGNOSTIC AND  
37 STATISTICAL MANUAL OF THE AMERICAN PSYCHIATRIC ASSOCIATION, OR  
38 RELATED CONDITIONS CONSTITUTING A SEVERE OR PROFOUND DISABILITY.

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



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1 (3) "MEDICAL PROFESSIONAL" MEANS A REGISTERED NURSE  
2 REGISTERED PURSUANT TO SECTION 12-255-111, A PHYSICIAN ASSISTANT  
3 LICENSED PURSUANT TO SECTION 12-240-113, OR A MEDICAL DOCTOR OR  
4 DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO ARTICLE 240 OF TITLE  
5 12.

6 (4) "MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL HEALTH  
7 PROFESSIONAL LICENSED OR CERTIFIED PURSUANT TO ARTICLE 245 OF  
8 TITLE 12, EXCEPT IT DOES NOT INCLUDE UNLICENSED PSYCHOTHERAPISTS  
9 PURSUANT TO ARTICLE 245 OF TITLE 12; AN ADVANCED PRACTICE  
10 REGISTERED NURSE REGISTERED PURSUANT TO SECTION 12-255-111 WITH  
11 TRAINING IN SUBSTANCE USE DISORDERS OR MENTAL HEALTH; OR A  
12 PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION 12-240-113 WITH  
13 SPECIFIC TRAINING IN SUBSTANCE USE DISORDERS OR MENTAL HEALTH.

14 (5) "POSTPARTUM PERIOD" MEANS ONE YEAR AFTER A PREGNANCY  
15 HAS ENDED.

16 (6) "RESTRICTIVE HOUSING" MEANS THE STATE OF BEING  
17 INVOLUNTARILY CONFINED IN ONE'S CELL FOR APPROXIMATELY  
18 TWENTY-TWO HOURS PER DAY OR MORE WITH VERY LIMITED OUT-OF-CELL  
19 TIME, MOVEMENT, OR MEANINGFUL HUMAN INTERACTION WHETHER  
20 PURSUANT TO DISCIPLINARY, ADMINISTRATIVE, OR CLASSIFICATION  
21 ACTION.

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

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

33 (1) A LOCAL JAIL SHALL NOT INVOLUNTARILY PLACE AN INDIVIDUAL IN  
34 RESTRICTIVE HOUSING, INCLUDING FOR DISCIPLINARY REASONS, IF THE  
35 INDIVIDUAL MEETS ANY ONE OF THE FOLLOWING CONDITIONS:

36 (a) THE INDIVIDUAL IS DIAGNOSED WITH A SERIOUS MENTAL  
37 ILLNESS OR IS EXHIBITING GROSSLY ABNORMAL OR IRRATIONAL  
38 BEHAVIORS OR BREAKS WITH REALITY OR PERCEPTIONS OF REALITY  
39 INDICATING THE PRESENCE OF A SERIOUS MENTAL ILLNESS;

40 (b) THE INDIVIDUAL HAS SELF-REPORTED A SERIOUS MENTAL  
41 ILLNESS OR IS EXHIBITING SELF-HARM, UNLESS A LICENSED MENTAL



1     HEALTH PROFESSIONAL OR PSYCHIATRIST EVALUATES THE INDIVIDUAL  
2     AND FINDS SERIOUS MENTAL ILLNESS IS NOT PRESENT;

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

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

6         (e) THE INDIVIDUAL IS SIGNIFICANTLY NEUROCOGNITIVELY  
7         IMPAIRED BY A CONDITION SUCH AS DEMENTIA OR A TRAUMATIC BRAIN  
8         INJURY;

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

10         (g) THE INDIVIDUAL HAS AN INTELLECTUAL OR DEVELOPMENTAL  
11         DISABILITY.

12         (2)(a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF  
13         THIS SECTION, AN INDIVIDUAL WHO MEETS ONE OF THE CONDITIONS  
14         DESCRIBED IN SUBSECTION (1) OF THIS SECTION MAY BE PLACED IN  
15         RESTRICTIVE HOUSING ONLY IF:

16             (I) ANY INDICATION OF PSYCHOLOGICAL DISTRESS IS PRESENT AND  
17             THE JAIL TRANSFERRED THE INDIVIDUAL TO A HEALTH-CARE FACILITY TO  
18             RECEIVE TREATMENT AND THE INDIVIDUAL IS REFUSED TREATMENT OR IS  
19             DETERMINED NOT TO MEET THE CRITERIA FOR ADMISSION IN SECTION  
20             27-65-105 BY THE HEALTH-CARE FACILITY; AND

21             (II) THE INDIVIDUAL POSES AN IMMINENT DANGER TO THEMSELVES  
22             OR OTHERS; AND

23             (III) NO OTHER LESS RESTRICTIVE OPTION IS AVAILABLE AND THE  
24             INDIVIDUAL IS NOT RESPONDING TO ONGOING DE-ESCALATION  
25             TECHNIQUES.

26         (b) WHEN AN INDIVIDUAL IS PLACED IN RESTRICTIVE HOUSING  
27         PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE LOCAL JAIL SHALL  
28         DOCUMENT THE FACTS AND CIRCUMSTANCES, INCLUDING OBSERVATIONS  
29         AND FINDINGS OF ALL MEDICAL AND MENTAL HEALTH PROFESSIONALS AND  
30         LOCAL JAIL STAFF THAT LEAD TO PLACING THE INDIVIDUAL INTO  
31         RESTRICTIVE HOUSING, WHEN THE LOCAL JAIL STAFF'S OBSERVATIONS  
32         OCCURRED, ANY EFFORTS TO AVOID PLACEMENT OF THE INDIVIDUAL INTO  
33         RESTRICTIVE HOUSING, AND A DESCRIPTION OF ALL ALTERNATIVES AND  
34         INTERVENTIONS THAT WERE ATTEMPTED TO AVOID RESTRICTIVE HOUSING.  
35         THE LOCAL JAIL SHALL ALSO INCLUDE IN THE DOCUMENTATION ANY  
36         INJURIES EXPERIENCED BY THE INDIVIDUAL AND THE LOCAL JAIL STAFF OR  
37         OTHER MEDICAL ISSUES EXHIBITED BY THE INDIVIDUAL IN THE PROCESS OF  
38         PLACING THE INDIVIDUAL IN RESTRICTIVE HOUSING. IN CIRCUMSTANCES  
39         IN WHICH THE LOCAL JAIL WAS UNABLE TO EMPLOY LESS RESTRICTIVE  
40         ALTERNATIVES, THE LOCAL JAIL SHALL DESCRIBE THE DANGEROUS,  
41         EMERGENT BEHAVIOR THAT PRECLUDED USE OF LESS RESTRICTIVE



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1       ALTERNATIVES.

2           (c) THE LOCAL JAIL SHALL NOTIFY ITS MEDICAL OR MENTAL  
3        HEALTH PROFESSIONALS IN WRITING WHEN AN INDIVIDUAL IS  
4        INVOLUNTARILY PLACED IN RESTRICTIVE HOUSING WITHIN ONE HOUR OF  
5        THE PLACEMENT.

6           (d) THE LOCAL JAIL SHALL NOTIFY THE INDIVIDUAL'S APPOINTED  
7        OR RETAINED LEGAL REPRESENTATIVE, DESIGNATED EMERGENCY  
8        CONTACT, OR LEGAL GUARDIAN WITHIN TWELVE HOURS OF THE  
9        INDIVIDUAL'S INVOLUNTARY PLACEMENT AND REMOVAL IN RESTRICTIVE  
10      HOUSING.

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

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

29          (g) (I) WHEN AN INDIVIDUAL IS PLACED IN RESTRICTIVE HOUSING  
30        PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE LOCAL JAIL SHALL  
31        NOT HOLD THE INDIVIDUAL IN RESTRICTIVE HOUSING FOR MORE THAN  
32        FIFTEEN DAYS IN A THIRTY-DAY TIME PERIOD WITHOUT A WRITTEN COURT  
33        ORDER.

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

40           (A) THE INDIVIDUAL POSES AN IMMINENT DANGER TO HIMSELF OR  
41        HERSELF OR OTHERS;



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1 (B) No ALTERNATIVE LESS-RESTRICTIVE PLACEMENT IS  
2 AVAILABLE;

3 (C) THE JAIL HAS EXHAUSTED ALL OTHER PLACEMENT  
4 ALTERNATIVES; AND

5 (D) NO OTHER OPTIONS EXIST, INCLUDING RELEASE FROM  
6 CUSTODY.

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

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

34 (4) A MEDICAL OR MENTAL HEALTH PROFESSIONAL SHALL ASSESS  
35 ANY INDIVIDUAL PLACED IN RESTRICTIVE HOUSING WITHIN TWENTY-FOUR  
36 HOURS OF PLACEMENT. THE PROFESSIONAL SHALL ASSESS FOR ANY  
37 PSYCHIATRIC OR MEDICAL CONTRAINDICATIONS TO THE PLACEMENT. THE  
38 LOCAL JAIL SHALL DOCUMENT FINDINGS AND OBSERVED BEHAVIORS OF  
39 THE INDIVIDUAL.

40 (5) IF AN INDIVIDUAL WHO MEETS ONE OF THE CONDITIONS  
41 DESCRIBED IN SUBSECTION (1) OF THIS SECTION RECEIVES LESS THAN



1 THREE HOURS OF OUT-OF-CELL TIME IN A TWENTY-FOUR-HOUR PERIOD OF  
2 TIME, THE LOCAL JAIL SHALL DOCUMENT THE BASIS AND SHALL DOCUMENT  
3 THE TIME SPENT OUT OF CELL ON A DAILY BASIS. THE DOCUMENTATION  
4 MUST INCLUDE ALL MEANINGFUL HUMAN CONTACT THE INDIVIDUAL  
5 RECEIVED WHILE OUT OF CELL AND ANY MENTAL OR MEDICAL SERVICES  
6 RECEIVED.

7 (6) EACH LOCAL JAIL SHALL PRODUCE WRITTEN POLICIES AND  
8 PROCEDURES IN ACCORDANCE WITH THIS PART 3 AND PART 1 OF THIS  
9 ARTICLE 26 AND SHALL POST THE POLICIES AND PROCEDURES ON THE  
10 LOCAL JAIL'S WEBSITE.

11 **17-26-304. Screening in jails.** (1) A LOCAL JAIL SHALL USE AN  
12 ADEQUATE SCREENING TOOL TO COMPLETE A HEALTH SCREENING OF EACH  
13 INDIVIDUAL UPON ARRIVAL AT THE FACILITY BY HEALTH-TRAINED OR  
14 QUALIFIED HEALTH-CARE PERSONNEL AS PART OF THE ADMISSION  
15 PROCEDURES. THE SCREENING INCLUDES AT LEAST THE FOLLOWING:

16 (a) INQUIRY INTO:

17 (I) CURRENT AND PAST ILLNESSES, HEALTH CONDITIONS, OR  
18 SPECIAL HEALTH REQUIREMENTS;

19 (II) HISTORY OF SUICIDAL IDEATION OR SELF-INJURIOUS BEHAVIOR  
20 ATTEMPTS; PAST OR CURRENT SERIOUS MENTAL ILLNESS, INCLUDING  
21 HOSPITALIZATIONS; AND HISTORY OF SPECIAL EDUCATION;

22 (III) ALL LEGAL AND ILLEGAL DRUG USE, INCLUDING ANY CURRENT  
23 WITHDRAWAL SYMPTOMS;

24 (IV) CURRENT OR RECENT PREGNANCY;

25 (V) SERIOUS NEUROCOGNITIVE ISSUES SUCH AS PAST TRAUMATIC  
26 BRAIN INJURIES OR DEMENTIA; AND

27 (VI) PRESENT OR PAST PRESCRIBED MEDICATIONS; AND

28 (b) OBSERVATION OF:

29 (I) GENERAL APPEARANCE AND BEHAVIOR, INCLUDING STATE OF  
30 CONSCIOUSNESS, MENTAL STATUS, APPEARANCE, AND CONDUCT;

31 (II) PHYSICAL CONDITION, INCLUDING EASE OF MOVEMENT;

32 (III) EVIDENCE OF ABUSE OR TRAUMA AND THE CONDITION OF THE  
33 INDIVIDUAL'S SKIN, INCLUDING BRUISES AND LESIONS; AND

34 (IV) BEHAVIOR, TREMORS, AND SWEATING.

35 (2) AN INDIVIDUAL MUST NOT BE PLACED IN RESTRICTIVE HOUSING  
36 UNTIL THE HEALTH SCREENING REQUIRED BY SUBSECTION (1) OF THIS  
37 SECTION IS COMPLETE AND HAS BEEN DOCUMENTED.

38 (3) IF LOCAL JAIL PERSONNEL WHO ARE HEALTH-TRAINED PERFORM  
39 THE SCREENING, THE PERSONNEL SHALL CALL A MEDICAL OR MENTAL  
40 HEALTH PROFESSIONAL IF INDICATIONS OF A POSITIVE SCREEN ARE  
41 IDENTIFIED DURING THE SCREENING.



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1                   **SECTION 2.** In Colorado Revised Statutes, 17-26-118, **add (5)**  
2 and (6) as follows:

3                   **17-26-118. Criminal justice data collection - definitions -**  
4 **repeal.** (5) (a) ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE THE  
5 THIRD FRIDAY OF EACH JANUARY, APRIL, JULY, AND OCTOBER  
6 THEREAFTER, THE KEEPER OF EACH LOCAL JAIL SHALL SUBMIT A  
7 QUARTERLY REPORT OF THE DATA SPECIFIED IN THIS SUBSECTION (5) TO  
8 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY  
9 THROUGH AN ELECTRONIC FORM DESIGNED BY THE DIVISION. EACH  
10 QUARTERLY REPORT MUST INCLUDE:

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

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

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

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

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

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

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

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

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

33                   (II) HOW MANY INDIVIDUALS IN THE LOCAL JAIL POPULATION  
34 HAVE:

35                   (A) AN IDENTIFIED MENTAL ILLNESS;

36                   (B) AN IDENTIFIED SUBSTANCE USE DISORDER;

37                   (C) BOTH AN IDENTIFIED MENTAL ILLNESS AND SUBSTANCE USE  
38 DISORDER;

39                   (D) IDENTIFIED NEUROCOGNITIVE ISSUES SUCH AS DEMENTIA OR  
40 TRAUMATIC BRAIN INJURY; AND

41                   (E) ENGAGED IN SELF-HARMING BEHAVIOR WHILE IN THE LOCAL



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1        JAIL.

2        **SECTION 3. Effective date.** This act takes effect upon passage;  
3        except that section 1 of this act takes effect on July 1, 2022, and section  
4        2 of this act takes effect on January 1, 2022.

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

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