

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

PREAMENDED

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

LLS NO. 25-0298.02 Conrad Imel x2313

HOUSE BILL 25-1013

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING SOCIAL VISITATION RIGHTS FOR A PERSON CONFINED IN**
102 **A CORRECTIONAL FACILITY.**

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 establishes social visitation as a right for a person confined in a correctional facility. The department of corrections (department) may adopt rules to govern the administration of social visitation but shall not restrict social visitation beyond what is necessary for routine facility operations or for the safety of the facility and public. The bill requires the department to permit a person to file a grievance

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.

HOUSE
3rd Reading Unamended
March 26, 2025

HOUSE
Amended 2nd Reading
March 25, 2025

with the department if the person is not being allowed social visitation.

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

2 **SECTION 1. In Colorado Revised Statutes, add 17-20-130 as**
3 **follows:**

4 **17-20-130. Visitation in correctional facilities - department**
5 **policies - reporting - legislative declaration - definitions. (1) AS USED**
6 **IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

7 **(a) "CLASS 1 CODE OF PENAL DISCIPLINE VIOLATION" MEANS A**
8 **VIOLATION OF AN OFFENSE DESCRIBED AS A CLASS 1 OFFENSE IN THE CODE**
9 **OF PENAL DISCIPLINE ADOPTED BY THE DEPARTMENT.**

10 **(b) "DEPRIVE" MEANS TO DENY ACCESS TO ANY FORM OF**
11 **VISITATION.**

12 **(c) "VISITATION" MEANS ALL TYPES OF SOCIAL VISITS WITH A**
13 **PERSON CONFINED IN A CORRECTIONAL FACILITY, INCLUDING CONTACT**
14 **VISITS, NON-CONTACT VISITS, FAMILY TIME VISITS, PHONE CALLS, AND**
15 **VIDEO VISITATION. "VISITATION" DOES NOT INCLUDE VISITS THAT ARE NOT**
16 **SOCIAL VISITS, SUCH AS VISITS FROM A QUALIFIED HEALTH-CARE**
17 **PROFESSIONAL OR FROM A PERSON'S ATTORNEY.**

18 **(2) A PERSON CONFINED IN A CORRECTIONAL FACILITY HAS**
19 **VISITATION RIGHTS.**

20 **(3) (a) EXCEPT AS EXPRESSLY PERMITTED IN THIS SECTION, THE**
21 **DEPARTMENT SHALL NOT:**

22 **(I) DEPRIVE A PERSON OF VISITATION RIGHTS WHILE THE PERSON**
23 **IS IN RESTRICTIVE HOUSING OR IS SUBJECT TO RESTRICTED PRIVILEGES; OR**

24 **(II) DEPRIVE A VISITOR OF THE ABILITY TO VISIT A PERSON**
25 **CONFINED IN A CORRECTIONAL FACILITY SO LONG AS THE CONFINED**

1 PERSON AGREES TO THE VISIT AND THE VISITOR AND THE CONFINED
2 PERSON COMPLY WITH ALL OF THE DEPARTMENT'S VISITATION POLICIES.

3 (4) (a) (I) THE DEPARTMENT MAY LIMIT A CONFINED PERSON'S
4 CONTACT VISITS:

5 (A) BASED ON THE PERSON'S RESTRICTED HOUSING STATUS; AND

6 (B) AS A SANCTION IF THE PERSON HAS BEEN CONVICTED OF A
7 CLASS 1 CODE OF PENAL DISCIPLINE VIOLATION.

8 (II) THE DEPARTMENT SHALL NOT LIMIT A CONFINED PERSON'S
9 CONTACT VISITS PURSUANT TO THIS SUBSECTION (4)(a) FOR MORE THAN
10 THIRTY CONSECUTIVE CALENDAR DAYS.

11 (b) (I) THE DEPARTMENT MAY REDUCE THE NUMBER OF IN-PERSON
12 VISITS AVAILABLE PER WEEK TO A CONFINED PERSON AS A RESULT OF AN
13 INCREASE IN THE PERSON'S CUSTODY CLASSIFICATION LEVEL CONSISTENT
14 WITH THE DEPARTMENT'S VISITATION POLICIES IN EFFECT ON THE
15 EFFECTIVE DATE OF THIS SECTION.

16 (II) VIDEO VISITS ARE CONSIDERED NON-CONTACT VISITS AND MAY
17 SUPPLEMENT, BUT MUST NOT TAKE THE PLACE OF, IN-PERSON VISITS WHEN
18 IN-PERSON VISITS ARE PERMITTED.

19 (c) THE DEPARTMENT MAY TEMPORARILY DEPRIVE VISITATION AS
20 NECESSARY FOR FACILITY OPERATIONS OR FOR THE SAFETY OF THE
21 FACILITY, PERSONS IN THE FACILITY, AND THE GENERAL PUBLIC,
22 INCLUDING, BUT NOT LIMITED TO, FACILITY DISRUPTIONS, DISASTERS, AND
23 UNPLANNED LIFE SAFETY EVENTS OR ALTERCATIONS. THE DEPARTMENT
24 MAY TEMPORARILY DEPRIVE VISITATION PURSUANT TO THIS SUBSECTION
25 (4)(c) ONLY FOR THE DURATION NECESSARY FOR FACILITY OPERATIONS OR
26 SAFETY.

27 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE

1 CONTRARY, THE DEPARTMENT MAY TEMPORARILY DENY OR CANCEL ANY
2 VISITATION AT ANY TIME AS NECESSARY FOR THE SAFE OPERATION OF THE
3 FACILITY OR THE SAFETY OF PERSONS IN THE FACILITY. THE DEPARTMENT
4 SHALL DOCUMENT THE DENIAL OR CANCELLATION OF VISITATION MADE
5 PURSUANT TO THIS SUBSECTION (5).

6 (6) IF A PERSON CONFINED IN A CORRECTIONAL FACILITY PROVIDES
7 THE DEPARTMENT WITH REASONABLE NOTICE THAT A REQUESTED
8 VISITATION IS FOR VIRTUAL ATTENDANCE AT A FUNERAL OR VIRTUAL
9 ATTENDANCE DURING OR IMMEDIATELY FOLLOWING THE BIRTH OF A CHILD
10 IN THE PERSON'S FAMILY, THE DEPARTMENT SHALL MAKE ALL
11 REASONABLE EFFORTS CONSISTENT WITH THE SAFETY OF THE FACILITY
12 AND GENERAL PUBLIC, AND WITH THE TECHNOLOGY AVAILABLE AT THE
13 CORRECTIONAL FACILITY AND THE EVENT, TO ALLOW THE PERSON TO
14 PARTICIPATE IN THE VISITATION. IF THE TECHNOLOGY TO FACILITATE
15 VIRTUAL ATTENDANCE AT THE EVENT IS NOT AVAILABLE, THE
16 DEPARTMENT MAY COMPLY WITH THIS SUBSECTION (6) BY ALLOWING THE
17 PERSON A PHONE CALL AS AN ALTERNATIVE TO VIRTUAL ATTENDANCE.

18 (7) (a) THE DEPARTMENT MAY ADOPT POLICIES TO GOVERN THE
19 ADMINISTRATION OF VISITATION, INCLUDING POLICIES NECESSARY TO
20 ALLOW FOR VISITATION AS PART OF ROUTINE FACILITY OPERATIONS. IF THE
21 DEPARTMENT ADOPTS POLICIES, THE POLICIES MUST INCLUDE CRITERIA
22 DETAILING, WITH THE GREATEST SPECIFICITY FEASIBLE, WHEN THE
23 DEPARTMENT MAY CANCEL VISITS OR DENY ACCESS TO A VISITOR. IF THE
24 DEPARTMENT ADOPTS POLICIES, THE POLICIES MUST ALSO INCLUDE A
25 PROCESS FOR THE DEPARTMENT TO NOTIFY VISITORS AND CONFINED
26 PERSONS WHEN THE DEPARTMENT DENIES OR CANCELS A VISIT WITH THE
27 MOST POSSIBLE NOTICE AND WITH SPECIFICITY FOR THE REASON FOR

1 DENYING OR CANCELLING THE VISIT.

2 (b) BEFORE ADOPTING, AMENDING, OR REPEALING POLICIES
3 DESCRIBED IN THIS SUBSECTION (7), THE DEPARTMENT SHALL CONSULT
4 WITH THE CERTIFIED EMPLOYEE ORGANIZATION THAT REPRESENTS
5 DEPARTMENT EMPLOYEES PURSUANT TO PART 11 OF ARTICLE 50 OF TITLE
6 24.

7 (8) THIS SECTION DOES NOT:

8 (a) ALTER THE REQUIREMENTS FOR VISITORS IN SECTION 17-19-101
9 RELATED TO VISITOR SEARCHES;

10 (b) ALTER THE REQUIREMENTS RELATED TO VOICE PENAL
11 COMMUNICATIONS SERVICES DESCRIBED IN SECTION 17-42-103; OR

12 (c) AFFECT FAMILY TIME POLICIES ADOPTED PURSUANT TO SECTION
13 17-42-105 (6)(a) THAT DO NOT CONFLICT WITH THIS SECTION.

14 (9) (a) NOTHING IN THIS SECTION CREATES A PRIVATE RIGHT OF
15 ACTION.

16 (b) THE DEPARTMENT SHALL PERMIT A PERSON CONFINED IN A
17 CORRECTIONAL FACILITY WHO IS DEPRIVED OF VISITATION TO FILE A
18 GRIEVANCE IN ACCORDANCE WITH DEPARTMENT POLICIES, WHICH MUST
19 COMPLY WITH FEDERAL LAW CONCERNING ACCESS TO COURTS BY
20 CONFINED PERSONS. THE DEPARTMENT SHALL NOT DENY A PERSON THE
21 ABILITY TO FILE A GRIEVANCE BECAUSE THE PERSON IS IN RESTRICTIVE
22 HOUSING OR IS SUBJECT TO RESTRICTED PRIVILEGES.

23 (c) FOLLOWING EXHAUSTION OF ADMINISTRATIVE REMEDIES
24 THROUGH THE DEPARTMENT'S GRIEVANCE PROCEDURES, A PERSON
25 CONFINED IN A CORRECTIONAL FACILITY MAY SEEK JUDICIAL REVIEW OF
26 A DENIAL OF RIGHTS PROVIDED IN THIS SECTION IN ACCORDANCE WITH THE
27 COLORADO RULES OF CIVIL PROCEDURE.

1 (10) BEGINNING IN JANUARY 2026, AND IN JANUARY EVERY YEAR
2 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
3 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION
4 2-7-203, INFORMATION CONCERNING:

5 (a) THE TOTAL NUMBER OF GRIEVANCES FILED DURING THE PRIOR
6 YEAR RELATED TO VISITATION; AND

7 (b) ANY CHANGES TO THE DEPARTMENT'S VISITATION PROGRAM
8 MADE IN ACCORDANCE WITH THE COMMITMENT DESCRIBED IN SUBSECTION
9 (11) OF THIS SECTION.

10 (11) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

11 (a) IT RECOGNIZES THE DEPARTMENT'S UNDERSTANDING AND
12 SUPPORT OF THE IMPORTANCE OF A PERSON MAINTAINING FAMILY
13 CONNECTIONS WHILE INCARCERATED; AND

14 (b) THE DEPARTMENT COMMITS TO:

15 (I) TAKING REASONABLE MEASURES TO INCREASE VISITATION
16 HOURS IN CORRECTIONAL FACILITIES WHEN POSSIBLE;

17 (II) TAKING REASONABLE MEASURES TO IMPROVE THE
18 DEPARTMENT'S ABILITY TO TRACK VISITATION RESTRICTIONS AND MAKE
19 DATA RELATED TO VISITATION AVAILABLE;

20 (III) TAKING REASONABLE MEASURES TO INCREASE AVAILABLE
21 VISITATION TECHNOLOGY IN CORRECTIONAL FACILITIES WHEN POSSIBLE;

22 (IV) ALLOCATING REASONABLE TIME DURING REGULARLY
23 SCHEDULED PUBLIC CITIZEN ADVOCACY MEETINGS TO DISCUSS DESIRED
24 IMPROVEMENTS TO THE VISITATION PROGRAM AND TAKING REASONABLE
25 MEASURES TO IMPLEMENT SUGGESTIONS FROM CITIZENS AND ADVOCATES
26 WHEN POSSIBLE; AND

27 (V) REVIEWING THE DEPARTMENT'S VISITATION POLICIES,

1 INCLUDING DRESS CODE; MAKING REASONABLE EFFORTS TO UPDATE
2 POLICIES TO SUPPORT THE MOST VISITATION AND FAMILY CONNECTION
3 POSSIBLE; AND ALIGNING IMPLEMENTATION OF THE DEPARTMENT'S
4 VISITATION AND RELATED POLICIES ACROSS CORRECTIONAL FACILITIES.

5 **SECTION 2.** In Colorado Revised Statutes, 17-42-103, **amend**
6 **(1.5) introductory portion as follows:**

7 **17-42-103. Policies concerning inmates' use of telephones -**
8 **excessive rates prohibited - transparency of communications services**
9 **in correctional facilities - report - definitions.** (1.5) In administering
10 the use of penal communications services pursuant to subsection (1) of
11 this section, access to penal communications services must not be limited
12 beyond what is necessary for routine facility operations EXCEPT AS
13 PERMITTED IN SECTION 17-20-130. The department shall provide penal
14 communications services, excluding video calls or electronic mail or
15 messaging, free of charge to the person initiating and the person receiving
16 the penal communications service, and implement the provision of free
17 penal communication services, excluding video calls or electronic mail
18 or messaging, according to the following timeline:

19 **SECTION 3. Safety clause.** The general assembly finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety or for appropriations for
22 the support and maintenance of the departments of the state and state
23 institutions.