

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 25-0298.02 Conrad Imel x2313

HOUSE BILL 25-1013

HOUSE SPONSORSHIP

English and Bacon, Carter, Joseph, Ricks, Bird, Boesenecker, Clifford, Espenosa, Froelich, Jackson, Lindsay, Lindstedt, Mabrey, Martinez, McCluskie, Rutinel, Sirota, Stewart R., Velasco, Zokaie

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House Committees

Judiciary
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

SENATE
Amended 3rd Reading
May 2, 2025

A BILL FOR AN ACT

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

SENATE
Amended 2nd Reading
May 1, 2025

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>.)

HOUSE
3rd Reading Unamended
March 26, 2025

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

HOUSE
Amended 2nd Reading
March 25, 2025

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.

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, TELEPHONE 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 POLICIES.

3 (4) (a) THE FOLLOWING LIMITATIONS ARE EXPRESSLY PERMITTED
4 AND ARE NOT CONSIDERED A DEPRIVATION OF VISITATION:

5 (I) THE DEPARTMENT MAY LIMIT VISITATION FOR A CONFINED
6 PERSON WHO IS IN RESTRICTIVE HOUSING; EXCEPT THAT THE DEPARTMENT
7 SHALL NOT LIMIT THE PERSON'S CONTACT VISITS FOR MORE THAN THIRTY
8 CONSECUTIVE CALENDAR DAYS AND SHALL NOT LIMIT THE PERSON'S
9 TELEPHONE CALLS TO FEWER THAN ONE TELEPHONE CALL EVERY FIVE
10 CALENDAR DAYS; AND

11 (II) THE DEPARTMENT MAY LIMIT A CONFINED PERSON'S
12 VISITATION AS A SANCTION IF THE PERSON HAS BEEN CONVICTED OF A
13 CLASS 1 CODE OF PENAL DISCIPLINE VIOLATION; EXCEPT THAT THE
14 DEPARTMENT SHALL NOT LIMIT THE PERSON'S CONTACT VISITS FOR MORE
15 THAN THIRTY CONSECUTIVE CALENDAR DAYS.

16 (b) (I) THE DEPARTMENT MAY REDUCE, BUT NOT ELIMINATE, THE
17 NUMBER OF VISITS AVAILABLE PER WEEK TO A CONFINED PERSON AS A
18 RESULT OF AN INCREASE IN THE PERSON'S CUSTODY CLASSIFICATION LEVEL
19 CONSISTENT WITH THE DEPARTMENT'S VISITATION AND TELEPHONE
20 POLICIES. THE REDUCTION DESCRIBED IN THIS SUBSECTION (4)(b)(I) IS
21 EXPRESSLY PERMITTED AND IS NOT CONSIDERED A DEPRIVATION OF
22 VISITATION.

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

26 (c) THE DEPARTMENT MAY TEMPORARILY DEPRIVE VISITATION AS
27 NECESSARY FOR FACILITY OPERATIONS OR FOR THE SAFETY OF THE

1 FACILITY, PERSONS IN THE FACILITY, AND THE GENERAL PUBLIC,
2 INCLUDING, BUT NOT LIMITED TO, FACILITY DISRUPTIONS, DISASTERS, AND
3 UNPLANNED LIFE SAFETY EVENTS OR ALTERCATIONS. THE DEPARTMENT
4 MAY TEMPORARILY DEPRIVE VISITATION PURSUANT TO THIS SUBSECTION
5 (4)(c) ONLY FOR THE DURATION NECESSARY FOR FACILITY OPERATIONS OR
6 SAFETY.

7 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
8 CONTRARY, THE DEPARTMENT MAY ___ DENY OR CANCEL VISITATION FOR
9 A CONFINED PERSON WITH ANOTHER PERSON AT ANY TIME AS NECESSARY
10 TO COMPLY WITH REQUIREMENTS IMPOSED BY A COURT ORDER, FOR
11 VICTIM SAFETY, TO PREVENT COMMUNICATION WITH A CO-DEFENDANT, TO
12 PRESERVE THE INTEGRITY OF A CRIMINAL INVESTIGATION, TO COMPLY
13 WITH TREATMENT PROTOCOLS, OR FOR ANY OTHER REASON REQUIRED BY
14 LAW. THE DEPARTMENT SHALL DOCUMENT THE DENIAL OR CANCELLATION
15 OF VISITATION MADE PURSUANT TO THIS SUBSECTION (5).

16 (6) IF A PERSON CONFINED IN A CORRECTIONAL FACILITY PROVIDES
17 THE DEPARTMENT WITH REASONABLE NOTICE THAT A REQUESTED
18 VISITATION IS FOR VIRTUAL ATTENDANCE AT A FUNERAL OR VIRTUAL
19 ATTENDANCE DURING OR IMMEDIATELY FOLLOWING THE BIRTH OF A CHILD
20 IN THE PERSON'S FAMILY, THE DEPARTMENT SHALL MAKE ALL
21 REASONABLE EFFORTS CONSISTENT WITH THE SAFETY OF THE FACILITY
22 AND GENERAL PUBLIC, AND WITH THE TECHNOLOGY AVAILABLE AT THE
23 CORRECTIONAL FACILITY AND THE EVENT, TO ALLOW THE PERSON TO
24 PARTICIPATE IN THE VISITATION. IF THE TECHNOLOGY TO FACILITATE
25 VIRTUAL ATTENDANCE AT THE EVENT IS NOT AVAILABLE, THE
26 DEPARTMENT MAY COMPLY WITH THIS SUBSECTION (6) BY ALLOWING THE
27 PERSON A TELEPHONE CALL AS AN ALTERNATIVE TO VIRTUAL

1 ATTENDANCE.

2 (7) THE DEPARTMENT MAY ADOPT POLICIES TO GOVERN THE
3 ADMINISTRATION OF VISITATION, INCLUDING POLICIES NECESSARY TO
4 ALLOW FOR VISITATION AS PART OF ROUTINE FACILITY OPERATIONS. IF THE
5 DEPARTMENT ADOPTS POLICIES, THE POLICIES MUST INCLUDE CRITERIA
6 DETAILING, WITH THE GREATEST SPECIFICITY FEASIBLE, WHEN THE
7 DEPARTMENT MAY CANCEL VISITS OR DENY ACCESS TO A VISITOR. IF THE
8 DEPARTMENT ADOPTS POLICIES, THE POLICIES MUST ALSO INCLUDE A
9 PROCESS FOR THE DEPARTMENT TO NOTIFY VISITORS AND CONFINED
10 PERSONS WHEN THE DEPARTMENT DENIES OR CANCELS A VISIT WITH THE
11 MOST POSSIBLE NOTICE AND WITH SPECIFICITY FOR THE REASON FOR
12 DENYING OR CANCELLING THE VISIT.

13 (8) THIS SECTION DOES NOT:

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

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

18 (c) AFFECT FAMILY TIME POLICIES ADOPTED PURSUANT TO SECTION
19 17-42-105 (6)(a) THAT DO NOT CONFLICT WITH THIS SECTION.

20 (9) (a) NOTHING IN THIS SECTION CREATES A PRIVATE RIGHT OF
21 ACTION.

22 (b) THE DEPARTMENT SHALL PERMIT A PERSON CONFINED IN A
23 CORRECTIONAL FACILITY WHO ALLEGES DEPRIVATION OF VISITATION TO
24 FILE A GRIEVANCE IN ACCORDANCE WITH DEPARTMENT POLICIES. THE
25 DEPARTMENT SHALL NOT DENY A PERSON THE ABILITY TO FILE A
26 GRIEVANCE BECAUSE THE PERSON IS IN RESTRICTIVE HOUSING OR IS
27 SUBJECT TO RESTRICTED PRIVILEGES.

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 INCREASE TELEPHONE
18 CALLS AND NON-CONTACT VISITS, INCLUDING VIDEO CALLS, INCLUDING
19 FOR PERSONS WHO ARE IN RESTRICTIVE HOUSING AND AFTER CODE OF
20 PENAL DISCIPLINE VIOLATIONS;

21 (III) TAKING REASONABLE MEASURES TO IMPROVE THE
22 DEPARTMENT'S ABILITY TO TRACK VISITATION RESTRICTIONS AND MAKE
23 DATA RELATED TO VISITATION AVAILABLE;

24 (IV) TAKING REASONABLE MEASURES TO INCREASE AVAILABLE
25 VISITATION TECHNOLOGY IN CORRECTIONAL FACILITIES WHEN POSSIBLE,
26 INCLUDING INCREASING THE AVAILABILITY OF BROADBAND INTERNET IN
27 RESTRICTIVE HOUSING CELLS;

1 (V) ALLOCATING REASONABLE TIME DURING REGULARLY
2 SCHEDULED PUBLIC CITIZEN ADVOCACY MEETINGS TO DISCUSS DESIRED
3 IMPROVEMENTS TO THE VISITATION PROGRAM AND TAKING REASONABLE
4 MEASURES TO IMPLEMENT SUGGESTIONS FROM CITIZENS AND ADVOCATES
5 WHEN POSSIBLE; AND

6 (VI) REVIEWING THE DEPARTMENT'S VISITATION POLICIES,
7 INCLUDING DRESS CODE; MAKING REASONABLE EFFORTS TO UPDATE
8 POLICIES TO SUPPORT THE MOST VISITATION AND FAMILY CONNECTION
9 POSSIBLE; AND ALIGNING IMPLEMENTATION OF THE DEPARTMENT'S
10 VISITATION AND RELATED POLICIES ACROSS CORRECTIONAL FACILITIES.

11 **SECTION 2. In Colorado Revised Statutes, 17-42-103, amend**
12 **(1.5) introductory portion as follows:**

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

25 **SECTION 3. Legislative intent.** The general assembly intends
26 that in implementing this bill, the department of corrections shall abide
27 by any applicable provisions of a partnership agreement established

1 pursuant to section 24-50-1112.

2 **SECTION 4. Safety clause.** The general assembly finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety or for appropriations for
5 the support and maintenance of the departments of the state and state
6 institutions.