

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 22, 2025  
Date

Committee on State, Veterans, & Military Affairs.

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

HB25-1013 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, strike everything below the enacting clause and  
2 substitute:
- 3 "SECTION 1. In Colorado Revised Statutes, **add** 17-20-130 as  
4 follows:
- 5 **17-20-130. Visitation in correctional facilities - department**  
6 **policies - reporting - legislative declaration - definitions.** (1) AS USED  
7 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:
- 8 (a) "CLASS 1 CODE OF PENAL DISCIPLINE VIOLATION" MEANS A  
9 VIOLATION OF AN OFFENSE DESCRIBED AS A CLASS 1 OFFENSE IN THE CODE  
10 OF PENAL DISCIPLINE ADOPTED BY THE DEPARTMENT.
- 11 (b) "DEPRIVE" MEANS TO DENY ACCESS TO ANY FORM OF  
12 VISITATION.
- 13 (c) "VISITATION" MEANS ALL TYPES OF SOCIAL VISITS WITH A  
14 PERSON CONFINED IN A CORRECTIONAL FACILITY, INCLUDING CONTACT  
15 VISITS, NON-CONTACT VISITS, FAMILY TIME VISITS, PHONE CALLS, AND  
16 VIDEO VISITATION. "VISITATION" DOES NOT INCLUDE VISITS THAT ARE NOT  
17 SOCIAL VISITS, SUCH AS VISITS FROM A QUALIFIED HEALTH-CARE  
18 PROFESSIONAL OR FROM A PERSON'S ATTORNEY.
- 19 (2) A PERSON CONFINED IN A CORRECTIONAL FACILITY HAS  
20 VISITATION RIGHTS.
- 21 (3) (a) EXCEPT AS EXPRESSLY PERMITTED IN THIS SECTION, THE  
22 DEPARTMENT SHALL NOT:
- 23 (I) DEPRIVE A PERSON OF VISITATION RIGHTS WHILE THE PERSON  
24 IS IN RESTRICTIVE HOUSING OR IS SUBJECT TO RESTRICTED PRIVILEGES; OR
- 25 (II) DEPRIVE A VISITOR OF THE ABILITY TO VISIT A PERSON  
26 CONFINED IN A CORRECTIONAL FACILITY SO LONG AS THE CONFINED  
27 PERSON AGREES TO THE VISIT AND THE VISITOR AND THE CONFINED  
28 PERSON COMPLY WITH ALL OF THE DEPARTMENT'S VISITATION POLICIES.
- 29 (4) (a) (I) THE DEPARTMENT MAY LIMIT A CONFINED PERSON'S

1 CONTACT VISITS:

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

3 (B) AS A SANCTION IF THE PERSON HAS BEEN CONVICTED OF A

4 CLASS 1 CODE OF PENAL DISCIPLINE VIOLATION.

5 (II) THE DEPARTMENT SHALL NOT LIMIT A CONFINED PERSON'S

6 CONTACT VISITS PURSUANT TO THIS SUBSECTION (4)(a) FOR MORE THAN

7 THIRTY CONSECUTIVE CALENDAR DAYS.

8 (b) (I) THE DEPARTMENT MAY REDUCE THE NUMBER OF IN-PERSON

9 VISITS AVAILABLE PER WEEK TO A CONFINED PERSON AS A RESULT OF AN

10 INCREASE IN THE PERSON'S CUSTODY CLASSIFICATION LEVEL CONSISTENT

11 WITH THE DEPARTMENT'S VISITATION POLICIES IN EFFECT ON THE

12 EFFECTIVE DATE OF THIS SECTION.

13 (II) VIDEO VISITS ARE CONSIDERED NON-CONTACT VISITS AND MAY

14 SUPPLEMENT, BUT MUST NOT TAKE THE PLACE OF, IN-PERSON VISITS WHEN

15 IN-PERSON VISITS ARE PERMITTED.

16 (c) THE DEPARTMENT MAY TEMPORARILY DEPRIVE VISITATION AS

17 NECESSARY FOR FACILITY OPERATIONS OR FOR THE SAFETY OF THE

18 FACILITY, PERSONS IN THE FACILITY, AND THE GENERAL PUBLIC,

19 INCLUDING, BUT NOT LIMITED TO, FACILITY DISRUPTIONS, DISASTERS, AND

20 UNPLANNED LIFE SAFETY EVENTS OR ALTERCATIONS. THE DEPARTMENT

21 MAY TEMPORARILY DEPRIVE VISITATION PURSUANT TO THIS SUBSECTION

22 (4)(c) ONLY FOR THE DURATION NECESSARY FOR FACILITY OPERATIONS OR

23 SAFETY.

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

25 CONTRARY, THE DEPARTMENT MAY TEMPORARILY DENY OR CANCEL ANY

26 VISITATION AT ANY TIME AS NECESSARY FOR THE SAFE OPERATION OF THE

27 FACILITY OR THE SAFETY OF PERSONS IN THE FACILITY. THE DEPARTMENT

28 SHALL DOCUMENT THE DENIAL OR CANCELLATION OF VISITATION MADE

29 PURSUANT TO THIS SUBSECTION (5).

30 (6) IF A PERSON CONFINED IN A CORRECTIONAL FACILITY PROVIDES

31 THE DEPARTMENT WITH REASONABLE NOTICE THAT A REQUESTED

32 VISITATION IS FOR VIRTUAL ATTENDANCE AT A FUNERAL OR VIRTUAL

33 ATTENDANCE DURING OR IMMEDIATELY FOLLOWING THE BIRTH OF A CHILD

34 IN THE PERSON'S FAMILY, THE DEPARTMENT SHALL MAKE ALL

35 REASONABLE EFFORTS CONSISTENT WITH THE SAFETY OF THE FACILITY

36 AND GENERAL PUBLIC, AND WITH THE TECHNOLOGY AVAILABLE AT THE

37 CORRECTIONAL FACILITY AND THE EVENT, TO ALLOW THE PERSON TO

38 PARTICIPATE IN THE VISITATION. IF THE TECHNOLOGY TO FACILITATE

39 VIRTUAL ATTENDANCE AT THE EVENT IS NOT AVAILABLE, THE

40 DEPARTMENT MAY COMPLY WITH THIS SUBSECTION (6) BY ALLOWING THE

41 PERSON A PHONE CALL AS AN ALTERNATIVE TO VIRTUAL ATTENDANCE.

42 (7) (a) THE DEPARTMENT MAY ADOPT POLICIES TO GOVERN THE

43 ADMINISTRATION OF VISITATION, INCLUDING POLICIES NECESSARY TO

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

10 (b) BEFORE ADOPTING, AMENDING, OR REPEALING POLICIES  
11 DESCRIBED IN THIS SUBSECTION (7), THE DEPARTMENT SHALL CONSULT  
12 WITH THE CERTIFIED EMPLOYEE ORGANIZATION THAT REPRESENTS  
13 DEPARTMENT EMPLOYEES PURSUANT TO PART 11 OF ARTICLE 50 OF TITLE  
14 24.

15 (8) THIS SECTION DOES NOT:

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

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

20 (c) AFFECT FAMILY TIME POLICIES ADOPTED PURSUANT TO SECTION  
21 17-42-105 (6)(a) THAT DO NOT CONFLICT WITH THIS SECTION.

22 (9) (a) NOTHING IN THIS SECTION CREATES A PRIVATE RIGHT OF  
23 ACTION.

24 (b) THE DEPARTMENT SHALL PERMIT A PERSON CONFINED IN A  
25 CORRECTIONAL FACILITY WHO IS DEPRIVED OF VISITATION TO FILE A  
26 GRIEVANCE IN ACCORDANCE WITH DEPARTMENT POLICIES, WHICH MUST  
27 COMPLY WITH FEDERAL LAW CONCERNING ACCESS TO COURTS BY  
28 CONFINED PERSONS. THE DEPARTMENT SHALL NOT DENY A PERSON THE  
29 ABILITY TO FILE A GRIEVANCE BECAUSE THE PERSON IS IN RESTRICTIVE  
30 HOUSING OR IS SUBJECT TO RESTRICTED PRIVILEGES.

31 (c) FOLLOWING EXHAUSTION OF ADMINISTRATIVE REMEDIES  
32 THROUGH THE DEPARTMENT'S GRIEVANCE PROCEDURES, A PERSON  
33 CONFINED IN A CORRECTIONAL FACILITY MAY SEEK JUDICIAL REVIEW OF  
34 A DENIAL OF RIGHTS PROVIDED IN THIS SECTION IN ACCORDANCE WITH THE  
35 COLORADO RULES OF CIVIL PROCEDURE.

36 (10) BEGINNING IN JANUARY 2026, AND IN JANUARY EVERY YEAR  
37 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS  
38 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION  
39 2-7-203, INFORMATION CONCERNING:

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

42 (b) ANY CHANGES TO THE DEPARTMENT'S VISITATION PROGRAM  
43 MADE IN ACCORDANCE WITH THE COMMITMENT DESCRIBED IN SUBSECTION

1 (11) OF THIS SECTION.

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

3 (a) IT RECOGNIZES THE DEPARTMENT'S UNDERSTANDING AND  
4 SUPPORT OF THE IMPORTANCE OF A PERSON MAINTAINING FAMILY  
5 CONNECTIONS WHILE INCARCERATED; AND

6 (b) THE DEPARTMENT COMMITS TO:

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

9 (II) TAKING REASONABLE MEASURES TO IMPROVE THE  
10 DEPARTMENT'S ABILITY TO TRACK VISITATION RESTRICTIONS AND MAKE  
11 DATA RELATED TO VISITATION AVAILABLE;

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

14 (IV) ALLOCATING REASONABLE TIME DURING REGULARLY  
15 SCHEDULED PUBLIC CITIZEN ADVOCACY MEETINGS TO DISCUSS DESIRED  
16 IMPROVEMENTS TO THE VISITATION PROGRAM AND TAKING REASONABLE  
17 MEASURES TO IMPLEMENT SUGGESTIONS FROM CITIZENS AND ADVOCATES  
18 WHEN POSSIBLE; AND

19 (V) REVIEWING THE DEPARTMENT'S VISITATION POLICIES,  
20 INCLUDING DRESS CODE; MAKING REASONABLE EFFORTS TO UPDATE  
21 POLICIES TO SUPPORT THE MOST VISITATION AND FAMILY CONNECTION  
22 POSSIBLE; AND ALIGNING IMPLEMENTATION OF THE DEPARTMENT'S  
23 VISITATION AND RELATED POLICIES ACROSS CORRECTIONAL FACILITIES.

24 **SECTION 2.** In Colorado Revised Statutes, 17-42-103, **amend**  
25 (1.5) introductory portion as follows:

26 **17-42-103. Policies concerning inmates' use of telephones -**  
27 **excessive rates prohibited - transparency of communications services**  
28 **in correctional facilities - report - definitions.** (1.5) In administering  
29 the use of penal communications services pursuant to subsection (1) of  
30 this section, access to penal communications services must not be limited  
31 ~~beyond what is necessary for routine facility operations~~ EXCEPT AS  
32 PERMITTED IN SECTION 17-20-130. The department shall provide penal  
33 communications services, excluding video calls or electronic mail or  
34 messaging, free of charge to the person initiating and the person receiving  
35 the penal communications service, and implement the provision of free  
36 penal communication services, excluding video calls or electronic mail  
37 or messaging, according to the following timeline:

38 **SECTION 3. Safety clause.** The general assembly finds,  
39 determines, and declares that this act is necessary for the immediate  
40 preservation of the public peace, health, or safety or for appropriations for  
41 the support and maintenance of the departments of the state and state  
42 institutions."

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