

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0013.01 Michael Dohr x4347

HOUSE BILL 22-1063

HOUSE SPONSORSHIP

Amabile and Benavidez,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CREATION OF A JAIL STANDARDS COMMISSION TO**
102 **STANDARDIZE THE OPERATION OF COLORADO JAILS.**

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 creates the Colorado jail standards commission (commission) in the department of public safety. The commission creates standards for the operation of Colorado's county jails (jails) and updates the standards as necessary. The commission consists of the following 20 members:

- 5 sheriffs or senior jail administrators;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- 2 county commissioners;
- 3 people with lived experience of being incarcerated or having a family member who is or was incarcerated in a jail;
- One mental health professional with experience working in a jail;
- One health professional with experience working in a jail;
- One person representing a lesbian, gay, bisexual, transgender, or queer advocacy organization;
- One person representing an organization advocating for the rights of people with disabilities;
- One person representing an organization advocating for the rights of communities of color;
- One person representing an organization advocating for the rights of persons with mental or physical disabilities;
- One non-law-enforcement person with experience working in a jail, appointed by the executive director of the department of public safety;
- The state public defender or the state public defender's designee;
- One district attorney, appointed by the Colorado district attorneys' council; and
- One person representing the department of public safety with expertise in jail operations.

The commission shall develop standards for all aspects of jail operations as follows:

- Reception and release;
- Classification of inmates;
- Security;
- Housing;
- Sanitation and environmental conditions;
- Communication;
- Visitation;
- Health care, mental and behavioral health care, and dental care;
- Food service;
- Recreation and programming;
- Inmate disciplinary processes;
- Restrictive housing;
- Inmate grievances;
- Staffing; and
- Inmates' prerogatives.

The commission shall establish standards regarding oversight of the standards; compliance with the standards, including a requirement for a biennial compliance inspection of each jail; a complaint process and

investigation process; and possible sanctions for noncompliance with or violations of the standards. The department of public safety shall promulgate rules adopting the standards and possible sanctions.

The department of public safety shall provide oversight of the implementation of the standards. The commission shall evaluate the effectiveness of the standards after implementation and make any needed changes to the standards.

The bill sunsets the commission on September 1, 2029.

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

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

PART 4

COLORADO JAIL STANDARDS COMMISSION

17-26-401. Colorado jail standards commission - creation -

7 **membership.** (1) THE COLORADO JAIL STANDARDS COMMISSION IS
8 CREATED IN THE DEPARTMENT OF PUBLIC SAFETY AND REFERRED TO IN
9 THIS PART 4 AS THE "COMMISSION". THE COMMISSION SHALL CREATE
10 STANDARDS FOR THE SAFE AND EFFECTIVE OPERATION OF COLORADO'S
11 COUNTY JAILS, REFERRED TO IN THIS PART 4 AS "JAILS", AND UPDATE THE
12 STANDARDS AS NECESSARY.

13 (2) THE COMMISSION IS COMPOSED OF THE FOLLOWING TWENTY
14 MEMBERS:

15 (a) FIVE SHERIFFS OR SENIOR JAIL ADMINISTRATORS, APPOINTED BY
16 THE STATEWIDE ORGANIZATION REPRESENTING COUNTY;

17 (I) ONE FROM A COUNTY IN EACH COUNTY CATEGORY I-IV, AS
18 DEFINED BY SECTION 30-2-102; AND

19 (II) ONE FROM EITHER A CATEGORY V OR CATEGORY VI COUNTY,
20 AS DEFINED BY SECTION 30-2-102;

21 (b) TWO COUNTY COMMISSIONERS, APPOINTED BY THE STATEWIDE

1 ORGANIZATION REPRESENTING COUNTY COMMISSIONERS:

2 (I) ONE FROM EITHER A COUNTY CATEGORY I OR II COUNTY, AS
3 DEFINED BY SECTION 30-2-102; AND

4 (II) ONE FROM A CATEGORY III, IV, V, OR VI COUNTY, AS DEFINED
5 BY SECTION 30-2-102;

6 (c) THREE PERSONS WITH LIVED EXPERIENCE OF BEING
7 INCARCERATED OR HAVING A FAMILY MEMBER WHO IS OR WAS
8 INCARCERATED IN A JAIL, APPOINTED BY A STATEWIDE ORGANIZATION
9 ADVOCATING FOR THE RIGHTS OF THE INCARCERATED IN COLORADO;

10 (d) ONE MENTAL HEALTH PROFESSIONAL WITH EXPERIENCE
11 WORKING IN A JAIL, APPOINTED BY A STATEWIDE ORGANIZATION
12 ADVOCATING FOR MENTAL HEALTH IN COLORADO;

13 (e) ONE HEALTH PROFESSIONAL WITH EXPERIENCE WORKING IN A
14 JAIL, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
15 HUMAN SERVICES;

16 (f) ONE PERSON REPRESENTING A LESBIAN, GAY, BISEXUAL,
17 TRANSGENDER, OR QUEER ADVOCACY ORGANIZATION, APPOINTED BY A
18 STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS OF THE
19 INCARCERATED IN COLORADO;

20 (g) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING
21 FOR THE RIGHTS OF PEOPLE WITH DEVELOPMENTAL DISABILITIES,
22 APPOINTED BY A STATEWIDE ORGANIZATION ADVOCATING FOR THE RIGHTS
23 OF THE INCARCERATED IN COLORADO;

24 (h) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING
25 FOR THE RIGHTS OF PEOPLE OF COLOR, APPOINTED BY A STATEWIDE
26 ORGANIZATION ADVOCATING FOR THE RIGHTS OF THE INCARCERATED IN
27 COLORADO;

5 (j) ONE NON-LAW-ENFORCEMENT PERSON WITH EXPERIENCE
6 WORKING IN A JAIL, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
7 DEPARTMENT OF PUBLIC SAFETY;

8 (k) THE STATE PUBLIC DEFENDER OR THE STATE PUBLIC
9 DEFENDER'S DESIGNEE;

10 (l) ONE DISTRICT ATTORNEY, APPOINTED BY THE COLORADO
11 DISTRICT ATTORNEYS' COUNCIL; AND

12 (m) ONE PERSON REPRESENTING THE DEPARTMENT OF PUBLIC
13 SAFETY WITH EXPERTISE IN JAIL OPERATIONS, APPOINTED BY THE
14 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

15 (3) (a) THE TERM FOR THE INITIAL COMMISSION MEMBERS
16 APPOINTED PURSUANT TO SUBSECTIONS (2)(a), (2)(c), AND (2)(d) OF THIS
17 SECTION IS FOUR YEARS AND THOSE COMMISSION MEMBERS MAY BE
18 REAPPOINTED FOR ONE FOUR-YEAR TERM, AND THE TERM FOR THE OTHER
19 INITIAL COMMISSION MEMBERS IS TWO YEARS AND THOSE COMMISSION
20 MEMBERS MAY BE REAPPOINTED TO TWO TWO-YEAR TERMS. THE TERM
21 FOR ANY COMMISSION MEMBER APPOINTED AFTER THE INITIAL
22 COMMISSION MEMBER IS TWO YEARS, AND THAT COMMISSION MEMBER
23 MAY BE APPOINTED TO NO MORE THAN THREE TWO-YEAR TERMS.

24 (b) THE INITIAL COMMISSION MEMBERS MUST BE APPOINTED BY
25 JULY 1, 2022.

26 (4) THE FIRST MEETING OF THE COMMISSION MUST BE HELD BY
27 JULY 31, 2022, DURING THE FIRST YEAR OF EXISTENCE, THE COMMISSION

1 SHALL MEET AT LEAST MONTHLY, AND IN SUBSEQUENT YEARS, THE
2 COMMISSION SHALL MEET AT LEAST QUARTERLY. THE CHAIR OF THE
3 COMMISSION SHALL SET THE MEETING DATES AND TIMES.

4 **17-26-402. Commission - duties - rules.** (1) THE COMMISSION
5 SHALL DEVELOP STANDARDS IN COMPLIANCE WITH STATE AND FEDERAL
6 LAW FOR ALL ASPECTS OF JAIL OPERATIONS AS FOLLOWS:

7 (a) RECEPTION AND RELEASE, INCLUDING:

8 (I) IDENTIFYING THE ARRESTING, TRANSPORTING, OR COMMITTING
9 OFFICER;

10 (II) RECORDING INMATE INFORMATION IN A BOOKING AND
11 IDENTIFICATION RECORD FOR EVERY COMMITMENT;

12 (III) IDENTIFYING INMATES DURING RECEPTION BY PHOTOGRAPH,
13 IDENTIFICATION BRACELET, OR OTHER MEANS;

14 (IV) PROVIDING ACCESS TO TELEPHONES AFTER THE RECEPTION
15 PROCESS;

16 (V) SEARCHING, CONFISCATING, INVENTORYING, AND SECURING
17 OF UNAUTHORIZED ITEMS;

18 (VI) CONFISCATION, COUNTING, AND SECURING OF MONEY OR ANY
19 FORM OF CURRENCY;

20 (VII) SECURING THE INMATE'S SIGNATURE AND REQUIREMENTS
21 FOR WITNESS SIGNATURES ON A COMPLETED INVENTORY OF ITEMS AND
22 MONEY CONFISCATED;

23 (VIII) STRIP SEARCHES AND BODY CAVITY SEARCHES CONSISTENT
24 WITH COLORADO LAW;

25 (IX) DETERMINING WHEN AN INMATE SHOULD RECEIVE A SHOWER;

26 (X) PROVIDING INMATES WITH CLEAN UNIFORM CLOTHING OR
27 STANDARDS FOR WEARING PERSONAL CLOTHING;

1 (XI) THE AMOUNT OF TIME INMATES ARE CONFINED IN THE
2 RECEPTION AREA;

3 (XII) THE POSSESSION OF MONEY BY INMATES, INCLUDING
4 PROVISIONS TO PREVENT INMATE GAMBLING, THEFT, AND EXTORTION;

5 (XIII) PROVIDING INMATES WITH A LIST OF GENERALLY
6 APPLICABLE INMATE RULES;

7 (XIV) ASSISTING INMATES IN UNDERSTANDING THESE RULES IF
8 THERE ARE LITERACY OR LANGUAGE OBSTACLES;

9 (XV) OBTAINING SIGNED ACKNOWLEDGMENT FROM INMATES OF
10 RECEIPT AND UNDERSTANDING OF RULES;

11 (XVI) ENSURING THE SAFETY OF MALE, FEMALE, AND NONBINARY
12 INMATES DURING RECEPTION;

13 (XVII) VERIFYING INMATES' IDENTIFICATION AND RELEASE
14 DOCUMENTATION;

15 (XVIII) DOCUMENTING AN INMATE'S RELEASE TO ANOTHER
16 AGENCY;

17 (XIX) OBTAINING A RECEIPT FROM THE INMATE OR THE RECEIVING
18 OFFICER, AS APPROPRIATE, FOR ALL PROPERTY RETURNED AT THE TIME OF
19 RELEASE OR TRANSFER;

20 (XX) CONFINING JUVENILES WHEN PERMITTED BY COURT ORDER
21 PURSUANT TO SECTION 19-2.5-305;

22 (XXI) SCREENING AND ASSESSMENT FOR PHYSICAL DISABILITIES,
23 MENTAL OR BEHAVIORAL HEALTH DISORDERS, TRAUMATIC BRAIN INJURIES,
24 OR DEVELOPMENTAL DISABILITIES;

25 (XXII) PROVIDING ACCOMMODATIONS FOR PEOPLE WITH
26 DISABILITIES AS REQUIRED BY ALL APPLICABLE STATE AND FEDERAL LAW;
27 AND

1 (XXIII) CONSIDERING AGE AS A FACTOR IN THE CLASSIFICATION
2 OF INMATES;

3 (b) CLASSIFICATION OF INMATES, INCLUDING:

9 (II) HOUSING MALE, FEMALE, AND NONBINARY INMATES
10 SEPARATELY BY SIGHT AND TOUCH, AND OUT OF RANGE OF NORMAL
11 CONVERSATION WITH EACH OTHER;

12 (III) SUPERVISING MALE, FEMALE, AND NONBINARY INMATES
13 WHEN PLACED TOGETHER FOR PROGRAMMING, TRANSPORTATION, OR
14 OTHER SIMILAR ACTIVITIES:

15 (IV) HOUSING VIOLENT AND NONVIOLENT INMATES SEPARATELY;

16 (V) SUPERVISING VIOLENT AND NONVIOLENT INMATES WHEN
17 PLACED TOGETHER FOR PROGRAMMING, TRANSPORTATION, OR OTHER
18 SIMILAR ACTIVITIES:

19 (VI) HOUSING JUVENILE AND ADULT INMATES SEPARATELY;

20 (VII) SUPERVISING JUVENILE AND ADULT INMATES WHEN PLACED
21 TOGETHER FOR PROGRAMMING, DINING, TRANSPORTATION, OR OTHER
22 SIMILAR ACTIVITIES:

23 (VIII) ENSURING JUVENILE INMATES HAVE ACCESS TO
24 LARGE-MUSCLE EXERCISE, EDUCATION, WORK OPPORTUNITIES, AND OTHER
25 DEVELOPMENTALLY APPROPRIATE PROGRAMMING;

26 (IX) EVALUATING AND SELECTING INMATES FOR WORK WHILE
27 INCARCERATED:

1 (X) HOUSING INMATES PARTICIPATING IN WORK OR EDUCATIONAL
2 RELEASE PROGRAMS SEPARATELY FROM THE GENERAL POPULATION; AND

3 (XI) ESTABLISHING THE ACCEPTABLE PERSONAL AND HYGIENE
4 ITEMS PROVIDED TO INMATES IN THE GENERAL POPULATION;

5 (c) SECURITY, INCLUDING:

6 (I) ESTABLISHING A SECURITY PERIMETER;

7 (II) ESTABLISHING A SECURE BOOKING AND RELEASE AREA;

11 (IV) TWO-WAY COMMUNICATIONS BETWEEN CENTRAL CONTROL,
12 STAFFED POSTS, AND INMATE-OCCUPIED AREAS;

13 (V) HAVING EQUIPMENT NECESSARY TO MAINTAIN UTILITIES,
14 COMMUNICATIONS, SECURITY, LIFE-SAVING DEVICES, AND FIRE
15 PROTECTION IN AN EMERGENCY AND SCHEDULES TO TEST, REPAIR, AND
16 REPLACE EQUIPMENT IN A TIMELY MANNER;

17 (VI) PROCEDURES GOVERNING AVAILABILITY, CONTROL
18 INVENTORY, STORAGE, AND USE OF FIREARMS, LESS-THAN-LETHAL
19 DEVICES, AND RELATED SECURITY DEVICES AND SPECIFYING THE LEVEL OF
20 AUTHORITY REQUIRED FOR THEIR ACCESS AND USE;

21 (VII) USE OF AND AUTHORIZATION FOR CHEMICAL AGENTS AND
22 ELECTRICAL DISABLERS;

23 (VIII) RESTRICTIONS FOR ACCESS TO STORAGE AREAS:

24 (IX) SEPARATING STORAGE SPACE FROM INMATE HOUSING OR
25 ACTIVITY AREAS:

26 (X) ENSURING THE SAFETY OF MALE, FEMALE, AND NONBINARY
27 INMATES DURING RECEPTION:

1 (XI) INMATE SEARCHES WHEN INMATES ENTER OR LEAVE THE
2 JAIL'S SECURITY PERIMETER TO CONTROL CONTRABAND;

3 (XII) PROCEDURES AND PRACTICES GOVERNING STRIP AND BODY
4 CAVITY SEARCHES;

5 (XIII) EMERGENCY PLANS, INCLUDING TRAINING FOR JAIL
6 PERSONNEL IN THE IMPLEMENTATION OF EMERGENCY PLANS, AND
7 PROCEDURES TO BE FOLLOWED IN SITUATIONS THAT THREATEN JAIL
8 SECURITY;

9 (XIV) LOGGING ROUTINE INFORMATION, EMERGENCY SITUATIONS,
10 AND UNUSUAL INCIDENTS;

11 (XV) COUNTING TO VERIFY EACH INMATE'S PHYSICAL PRESENCE
12 AND IDENTIFICATION, INCLUDING THE NUMBER OF OFFICIAL DAILY COUNTS,
13 RECONCILIATION OF JAIL COUNTS, AND RECORDING OF JAIL COUNTS;

14 (XVI) PERSONAL OBSERVATION CHECKS OF INMATES, INCLUDING
15 REGULAR AND VARIABLE TIMING OF SUCH CHECKS AND DOCUMENTATION
16 OF SUCH CHECKS;

17 (XVII) POLICIES FOR ADDRESSING THE MANAGEMENT OF INMATES
18 WITH SPECIALIZED PHYSICAL AND MENTAL OR BEHAVIORAL HEALTH
19 NEEDS;

20 (XVIII) USE OF PHYSICAL AND MECHANICAL RESTRAINTS,
21 INCLUDING AUTHORIZING USE OF PHYSICAL RESTRAINTS AND MONITORING
22 AND RECORDING THE CHECKS OF INMATES IN RESTRAINTS;

23 (XIX) DEFINING JUSTIFIABLE SELF-DEFENSE, PREVENTING
24 SELF-INFILCTED HARM, PROTECTION OF OTHERS, RIOT PREVENTION,
25 DISCHARGE OF A FIREARM OR OTHER WEAPON, ESCAPE OR OTHER CRIME,
26 AND CONTROLLING OR SUBDING AN INMATE WHO REFUSES TO OBEY A
27 STAFF COMMAND OR ORDER;

1 (XX) DEFINING DE-ESCALATION STRATEGIES AND THE LIMITS OF
2 THE AMOUNT OF FORCE NECESSARY TO CONTROL A GIVEN SITUATION, AND
3 SPECIFYING THAT IN NO CIRCUMSTANCE IS PHYSICAL FORCE TO BE USED AS
4 PUNISHMENT;

5 (XXI) SPECIFYING THAT AN EXAMINATION, TREATMENT, AND
6 PHOTOGRAPHIC DOCUMENTATION BY QUALIFIED HEALTH-CARE PERSONNEL
7 IS PROVIDED TO INMATES OR STAFF INVOLVED IN A USE OF FORCE INCIDENT
8 WHEN THERE IS OBVIOUS PHYSICAL INJURY OR THERE IS A COMPLAINT OF
9 INJURY OR REQUEST FOR MEDICAL ATTENTION;

10 (XXII) SPECIFYING WHEN AND HOW AN INCIDENT WILL BE
11 RECORDED AND REVIEWED BY THE JAIL ADMINISTRATOR OR DESIGNEE;

12 (XXIII) SEARCHES OF JAILS AND INMATES TO CONTROL
13 CONTRABAND;

14 (XXIV) TIMING FOR INSPECTING INMATE-ACCESSIBLE AREAS;

15 (XXV) TIMING FOR A SECURITY INSPECTION OF THE JAIL;

16 (XXVI) NOTIFYING THE JAIL ADMINISTRATOR OR DESIGNEE OF
17 ANY DISCOVERED CONTRABAND OR PHYSICAL SECURITY DEFICIENCIES;

18 (XXVII) DOCUMENTING THE DISPOSITION OF CONTRABAND AND
19 THE REMEDIATION OF PHYSICAL SECURITY DEFICIENCIES;

20 (XXVIII) CONTROLLING INMATE MOVEMENT FROM ONE AREA TO
21 ANOTHER;

22 (XXIX) STAFF SUPERVISION AND SEARCHES OF AN INMATE
23 PERFORMING WORK;

24 (XXX) ENSURING AN INMATE IS NOT GIVEN CONTROL OF OR
25 AUTHORITY OVER ANY OTHER INMATE, SECURITY FUNCTION, OR SERVICE
26 ACTIVITY;

27 (XXXI) REQUIRING SAME-GENDER AND CROSS-GENDER

1 SUPERVISION GUIDELINES;

2 (XXXII) CONTROLLING AND INVENTORYING KEYS, TOOLS, AND

3 CULINARY EQUIPMENT;

4 (XXXIII) ENSURING TOXIC, CORROSIVE, AND FLAMMABLE
5 SUBSTANCES AND TOOLS ARE SECURED, USED ONLY BY AUTHORIZED
6 PERSONS, USED BY INMATES ONLY UNDER DIRECT SUPERVISION, AND USED
7 ONLY IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS; AND

8 (XXXIV) REQUIREMENTS THAT EACH JAIL HAVE POLICIES
9 GOVERNING STAFF DISCIPLINE, INCLUDING COMPLAINTS AGAINST
10 OFFICERS, THAT ARE AVAILABLE FOR PUBLIC INSPECTION;

11 (d) HOUSING, INCLUDING:

12 (I) SUFFICIENT SPACE STANDARDS REGARDING SQUARE FOOTAGE
13 AND MAXIMUM OCCUPANCY FIGURES FOR ALL HOUSING AND HOLDING
14 AREAS, INCLUDING HOLDING CELLS, HOUSING CELLS, DORMITORIES, DAY
15 ROOMS, AND EATING AREAS;

16 (II) SUFFICIENT SEATING FOR ALL HOLDING AREAS, HOLDING
17 CELLS, HOUSING CELLS, DORMITORIES, DAY ROOMS, AND EATING AREAS
18 FOR EACH INMATE;

19 (III) AIR CIRCULATION FOR HOUSING CELLS;

20 (IV) TEMPERATURE STANDARDS AND MECHANICAL CONTROLS FOR
21 ACCEPTABLE COMFORT LEVELS;

22 (V) ACCESS TO SANITATION FACILITIES WITHOUT STAFF
23 ASSISTANCE;

24 (VI) A MINIMUM NUMBER OF TOILET FACILITIES, SHOWER
25 FACILITIES, AND WASH BASINS FOR A SPECIFIED NUMBER OF OCCUPANTS;

26 (VII) WATER TEMPERATURE STANDARDS AND CONTROLS;

27 (VIII) MAXIMUM NOISE LEVELS MEASURED IN DECIBELS AND

1 STANDARDS FOR MEASUREMENTS TO ENSURE COMPLIANCE;

2 (IX) NATURAL LIGHT PROVIDED IN HOUSING UNITS, DORMS, CELLS,

3 AND DAY SPACES; AND

4 (X) STANDARDS FOR SUSPENDING AND REINSTATING INMATE

5 ACCESS TO CLOTHING, BEDS, BEDDING, TOILETS, LAVATORIES, AND

6 SHOWERS BY THE JAIL ADMINISTRATOR OR DESIGNEE;

7 (e) SANITATION AND ENVIRONMENTAL CONDITIONS, INCLUDING:

8 (I) PROVIDING INMATES WITH HYGIENE ITEMS AT INTAKE AND

9 REPLACEMENT ITEMS TO INDIGENT INMATES;

10 (II) SAFETY AND SANITARY STANDARDS FOR ALL AREAS OF THE

11 JAIL, INCLUDING FOOD SERVICE AND LAUNDRY AREAS;

12 (III) DEFINING STAFF AND INMATE HOUSEKEEPING

13 RESPONSIBILITIES, INCLUDING DAILY CLEANING OF TOILETS, URINALS,

14 SINKS, DRINKING FACILITIES, AND SHOWERS IN AREAS OCCUPIED BY

15 INMATES, AND DISPOSAL OF GARBAGE;

16 (IV) TIMING AND PROCESSES FOR INSPECTING FOR SANITATION

17 AND VERMIN;

18 (V) MAINTENANCE AND REPAIRS;

19 (VI) INSPECTIONS BY LOCAL OR STATE HEALTH AUTHORITIES;

20 (VII) NIGHTTIME LIGHTING OF GROUNDS, WALKWAYS,

21 DRIVEWAYS, AND PARKING AREAS;

22 (VIII) INTERIOR LIGHTING STANDARDS;

23 (IX) BEDDING AND MATTRESS STANDARDS, INCLUDING THAT THE

24 BEDDING AND MATTRESS ARE IN GOOD REPAIR AND CLEANED PRIOR TO

25 BEING REISSUED;

26 (X) TIMING AND DOCUMENTATION FOR THE EXCHANGE AND

27 LAUNDERING OF BED LINENS, BLANKETS, TOWELS, CLOTHING, AND

1 UNDERGARMENTS;

2 (XI) TIMING TO CLEAN MATTRESSES;

3 (XII) A REQUIREMENT THAT WHEN SOILED, BEDDING,

4 MATTRESSES, TOWELS, AND CLOTHING BE EXCHANGED OR CLEANED;

5 (XIII) INMATE HAIRCUTS;

6 (XIV) SHAVING EQUIPMENT AND SUPPLIES AND DOCUMENTING

7 ISSUANCE AND RETRIEVAL OF SHAVING EQUIPMENT; AND

8 (XV) TIMING OF INSPECTION BY A CERTIFIED LOCAL OR STATE FIRE

9 SAFETY INSPECTOR APPLYING THE APPLICABLE JURISDICTIONAL AND STATE

10 FIRE CODE, REQUIREMENTS FOR A WRITTEN FIRE SAFETY PLAN APPROVED

11 BY LOCAL FIRE OFFICIALS THAT IS REVIEWED ANNUALLY AND UPDATED AS

12 NEEDED, REQUIREMENTS FOR TRAINING IN JAIL FIRE SAFETY EQUIPMENT,

13 REQUIREMENTS FOR FIRE DRILLS, REQUIREMENTS FOR JAIL FURNISHINGS TO

14 MEET FIRE SAFETY PERFORMANCE STANDARDS, AND REQUIREMENTS FOR

15 JAIL EXITS TO BE CLEAR AND THAT EVACUATION ROUTES BE POSTED OR

16 CLEARLY MARKED THROUGHOUT THE JAIL;

17 (f) COMMUNICATION, INCLUDING:

18 (I) DELIVERING INCOMING OR OUTGOING MAIL OR

19 CORRESPONDENCE VIA THE POSTAL SERVICE;

20 (II) OPENING AND INSPECTING INCOMING INMATE MAIL,

21 CORRESPONDENCE, AND PACKAGES TO INTERCEPT NONPERMITTED ITEMS;

22 (III) OPENING AND INSPECTING OUTGOING MAIL;

23 (IV) DOCUMENTING PROCEDURES FOR THE APPROPRIATE

24 DISPOSITION OF INTERCEPTED ITEMS;

25 (V) PERMITTING LEGAL MAIL OR CORRESPONDENCE TO BE OPENED

26 AND INSPECTED IN THE PRESENCE OF THE INMATE TO INTERCEPT

27 CONTRABAND;

1 (VI) CIRCUMSTANCES IN WHICH MAIL, CORRESPONDENCE, AND
2 PACKAGES ARE WITHHELD OR REJECTED, INCLUDING NOTIFICATION TO THE
3 INMATE;

4 (VII) WRITING MATERIALS, ENVELOPES, AND POSTAGE FOR
5 INDIGENT INMATES;

6 (VIII) INMATE E-MAIL SERVICE;

7 (IX) INMATE TELEPHONE SERVICE; AND

8 (X) ACCESS TO LEGAL COUNSEL OF RECORD;

9 (g) VISITATION, INCLUDING:

10 (I) A SECURE VISITING AREA, INCLUDING STANDARDS FOR
11 PHYSICALLY SEPARATING THE INMATE AND VISITOR AND CAPABILITIES FOR
12 TWO-WAY CONVERSATIONS AND NONOBSCURED VISITS OR VIDEO VISITS;

13 (II) SEATING IN THE VISITATION AREA;

14 (III) IDENTIFICATION REQUIREMENTS FOR VISITORS;

15 (IV) REGISTRY REQUIREMENTS FOR VISITORS;

16 (V) GENERAL VISITATION HOURS;

17 (VI) VIDEO VISITATIONS HOURS;

18 (VII) VISITOR SECURITY PROTOCOLS TO PREVENT CONTRABAND
19 FROM ENTERING THE JAIL;

20 (VIII) VISIT RESTRICTIONS BASED ON THREATS TO SAFETY OR
21 SECURITY;

22 (IX) MONITORING AND RECORDING VISITS; AND

23 (X) PROFESSIONAL VISITS BY LEGAL COUNSEL OF RECORD OR
24 CLERGY, INCLUDING MEASURES TO PROTECT CONFIDENTIALITY;

25 (h) HEALTH CARE, MENTAL AND BEHAVIORAL HEALTH CARE, AND
26 DENTAL CARE, INCLUDING:

27 (I) ALL LEVELS OF HEALTH CARE, MENTAL AND BEHAVIORAL

1 HEALTH CARE, AND DENTAL CARE THAT ASSURE QUALITY, ACCESSIBILITY,
2 AND TIMELY SERVICES FOR INMATES;

3 (II) ARRANGING CARE FROM AN APPROPRIATE OUTSIDE PROVIDER
4 WHEN CARE IS NOT AVAILABLE AT THE JAIL;

5 (III) REQUIRING THAT MEDICAL, MENTAL, AND BEHAVIORAL
6 HEALTH DECISIONS AND ACTIONS ARE MADE ONLY BY QUALIFIED
7 HEALTH-CARE AND MENTAL AND BEHAVIORAL HEALTH-CARE
8 PROFESSIONALS;

9 (IV) REQUIRING THAT AN INMATE IS NOT DENIED NECESSARY
10 CARE;

11 (V) REQUIRING THAT ALL EXAMINATIONS, TREATMENTS, AND
12 PROCEDURES ARE GOVERNED BY INFORMED CONSENT PRACTICES
13 APPLICABLE IN THE JAIL'S JURISDICTION;

14 (VI) REQUIRING THAT THE JAIL ASSESS THE HEALTH OF EACH
15 INMATE AT INTAKE AND ON AN ONGOING BASIS AND CREATE A PLAN TO
16 PROVIDE CONTINUITY OF CARE FOR INMATES WHO ARE BEING TREATED FOR
17 A HEALTH CONDITION;

18 (VII) PROVIDING EMERGENCY CARE, SICK CHECKS, AND PHYSICAL
19 HEALTH CARE, MENTAL AND BEHAVIORAL HEALTH CARE, AND DENTAL
20 CARE THAT ENSURES NEEDS ARE:

21 (A) ADDRESSED IN A TIMELY MANNER;

22 (B) RECORDED AND MAINTAINED ON FILE; AND

23 (C) REVIEWED BY QUALIFIED HEALTH-CARE PERSONNEL WITH
24 TREATMENT OR FOLLOW-UP PROVIDED;

25 (VIII) DISPENSING AND ADMINISTERING PRESCRIBED
26 MEDICATIONS, INCLUDING:

27 (A) REQUIRING THAT HEALTH-TRAINED PERSONNEL OR

1 PROFESSIONALLY TRAINED PERSONNEL DISPENSE AND ADMINISTER
2 MEDICATIONS;

3 (B) REQUIRING ADEQUATE MANAGEMENT OF CONTROLLED
4 MEDICATIONS;

5 (C) PROVIDING MEDICATION TO INMATES IN SPECIAL
6 MANAGEMENT UNITS;

7 (D) REQUIRING THE APPLICABLE INFORMED CONSENT PRACTICES
8 IN THE JAIL'S JURISDICTION BE FOLLOWED; AND

9 (E) DEVELOPING A STANDARDIZED FORMULARY AND A PROCESS
10 FOR ACCESSING MEDICATIONS NOT LISTED WHEN MEDICALLY NECESSARY;

11 (IX) REDUCING SUICIDE BY IDENTIFYING AT-RISK INMATES AND
12 TRAINING STAFF MEMBERS ON HOW TO RECOGNIZE VERBAL AND
13 BEHAVIORAL CUES THAT INDICATE POTENTIAL SUICIDE AND HOW TO
14 RESPOND APPROPRIATELY;

15 (X) PROVIDING INFECTIOUS DISEASE CONTROL;

16 (XI) PROVIDING CARE FOR PREGNANT INMATES; AND

17 (XII) ASSESSING AND REPORTING INMATE DEATHS;

18 (i) FOOD SERVICE, INCLUDING:

19 (I) NUTRITIONAL STANDARDS;

20 (II) TIMING AND FREQUENCY OF MEALS;

21 (III) SPECIAL DIETS; AND

22 (IV) SAFE STORAGE AND PREPARATION OF FOOD;

23 (j) RECREATION AND PROGRAMMING, INCLUDING:

24 (I) REGULAR ACCESS TO EXERCISE AND EQUIPMENT FOR INMATES;

25 (II) TELEVISION VIEWING AND TABLE GAMES;

26 (III) READING MATERIALS;

27 (IV) TREATMENT FOR ALCOHOL AND DRUG ABUSE;

1 (V) ACADEMIC TRAINING;

2 (VI) PSYCHOLOGICAL AND SOCIAL SERVICES AND OTHER

3 COMMUNITY SERVICES; AND

4 (VII) RELIGIOUS PRACTICE;

5 (k) INMATE DISCIPLINARY PROCESSES, INCLUDING:

6 (I) STANDARDS FOR RESTRICTIVE HOUSING;

7 (II) PROHIBITED ACTS OR CONDUCT, DEGREES OF VIOLATIONS,

8 RANGES OF PENALTIES, AND DISCIPLINARY HEARING PROCEDURES;

9 (III) A SANCTION SCHEDULE FOR RULE VIOLATIONS;

10 (IV) ESTABLISHING FUNDAMENTAL RIGHTS FOR INMATES THAT

11 CANNOT BE SUSPENDED EXCEPT IN AN EMERGENCY OR OTHER CONDITION

12 BEYOND THE CONTROL OF THE JAIL ADMINISTRATOR;

13 (V) BANNING THE USE OF CORPORAL PUNISHMENT, DISCIPLINE

14 ADMINISTERED BY INMATES, AND WITHHOLDING FOOD FROM INMATES;

15 (VI) CIRCUMSTANCES UNDER WHICH A DISCIPLINARY HEARING IS

16 CONDUCTED;

17 (VII) PRE-DISCIPLINARY HEARING REQUIREMENTS;

18 (VIII) ESTABLISHING A MINIMUM PERIOD AFTER RECEIVING

19 WRITTEN NOTIFICATION OF A RULE VIOLATION TO ALLOW AN INMATE TO

20 PREPARE FOR THE DISCIPLINARY HEARING;

21 (IX) DISCIPLINARY HEARING REQUIREMENTS THAT INCLUDE

22 ENSURING DUE PROCESS PROTECTIONS ARE AFFORDED; AND

23 (X) THE OPPORTUNITY TO APPEAL DISCIPLINARY ACTIONS TO THE

24 JAIL ADMINISTRATOR OR DESIGNEE;

25 (I) RESTRICTIVE HOUSING, INCLUDING:

26 (I) WRITTEN POLICIES AND PROCEDURES GOVERNING THE

27 RESTRICTIVE HOUSING OF INMATES FROM THE GENERAL POPULATION;

- 1 (II) BANNING THE USE OF RESTRICTIVE HOUSING AS A PENALTY;
- 2 (III) CIRCUMSTANCES WHEN RESTRICTIVE HOUSING MAY BE USED
- 3 TO SEPARATE AN INMATE FROM THE GENERAL POPULATION;

4 (IV) WRITTEN NOTIFICATIONS OF RESTRICTIVE HOUSING TO THE
5 INMATE; AND

6 (V) TIMING FOR REVIEW OF RESTRICTIVE HOUSING;

7 (m) INMATE GRIEVANCES, INCLUDING:

8 (I) ESTABLISHING A WRITTEN GRIEVANCE PROCEDURE FOR
9 INMATES WITH AT LEAST ONE LEVEL OF APPEAL; AND

10 (II) PROHIBITING RETALIATION BY STAFF BASED ON AN INMATE
11 GRIEVANCE;

12 (n) JAIL STAFFING, INCLUDING:

13 (I) QUALIFICATIONS FOR STAFF TO SUPERVISE AND CONTROL
14 INMATES;

15 (II) PRE-EMPLOYMENT BACKGROUND CHECKS;

16 (III) STANDARDIZED PERFORMANCE REVIEWS;

17 (IV) STAFFING PLANS;

18 (V) POSTS AND FUNCTIONS;

19 (VI) GENDER OF STAFF;

20 (VII) REVIEW OF STAFFING PLANS;

(VIII) REQUIRING REVIEW OF THE STAFFING PLANS AT LEAST ONCE
A YEAR BY THE JAIL ADMINISTRATOR AND REVISED AS NEEDED;

23 (IX) VOLUNTEER POLICIES;

24 (X) CODE OF ETHICS; AND

25 (XI) STAFF TRAINING STANDARDS FOR ALL LEVELS OF EMPLOYEES;

26 AND

27 (o) INMATE PREROGATIVES REGARDING:

- 1 (I) EXPRESSION AND COMMUNICATION;
- 2 (II) RELIGIOUS PRACTICE;
- 3 (III) ACCESS TO THE COURTS;
- 4 (IV) ACCESS TO LEGAL COUNSEL, INCLUDING THE ABILITY FOR
- 5 LEGAL COUNSEL TO CONTACT A CLIENT BY SCHEDULING A TELEPHONE OR
- 6 VIDEO MEETING;

7 (V) ACCESS TO LEGAL MATERIALS AND DISABILITY RIGHTS;

8 (VI) ACCESS TO THE MEDIA;

9 (VII) STANDARDS FOR WHEN ACCESS TO EDUCATION IS
10 APPROPRIATE; AND

11 (VIII) DISCIPLINARY ACTION AND USE OF FORCE.

12 (2) (a) (I) THE COMMISSION SHALL ESTABLISH TIMELINES FOR
13 IMPLEMENTATION OF THE STANDARDS AND PROVIDE DIFFERENT TIMELINES
14 SPECIFIC TO COUNTY JAIL SIZE. THE COMMISSION SHALL ADOPT THE
15 INITIAL STANDARDS AND TIMELINES BY JULY 31, 2023. THE DEPARTMENT
16 OF PUBLIC SAFETY SHALL PROMULGATE RULES ADOPTING THE INITIAL
17 STANDARDS AND TIMELINES.

18 (II) THE COMMISSION SHALL ESTABLISH STANDARDS REGARDING
19 OVERSIGHT OF THE STANDARDS; COMPLIANCE WITH THE STANDARDS,
20 INCLUDING A REQUIREMENT FOR A BIENNIAL COMPLIANCE INSPECTION OF
21 EACH JAIL; A COMPLAINT PROCESS AND INVESTIGATION PROCESS; AND
22 POSSIBLE SANCTIONS FOR NONCOMPLIANCE WITH OR VIOLATIONS OF THE
23 STANDARDS. THE DEPARTMENT OF PUBLIC SAFETY SHALL PROMULGATE
24 RULES ADOPTING THE STANDARDS AND POSSIBLE SANCTIONS.

25 (b) THE DEPARTMENT OF PUBLIC SAFETY SHALL PROVIDE
26 OVERSIGHT OF THE IMPLEMENTATION OF THE STANDARDS.

27 (c) THE COMMISSION SHALL EVALUATE THE EFFECTIVENESS OF THE

1 STANDARDS AFTER IMPLEMENTATION AND MAKE ANY NEEDED CHANGES
2 TO THE STANDARDS.

3 (d) THE DEPARTMENT OF PUBLIC SAFETY SHALL PROMULGATE ANY
4 RULES TO IMPLEMENT THIS SUBSECTION (2).

5 **17-26-403. Repeal of part.** THIS PART 4 IS REPEALED, EFFECTIVE
6 SEPTEMBER 1, 2029. BEFORE THE REPEAL, THIS PART 4 IS SCHEDULED FOR
7 REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**
9 (30)(a)(VII) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for repeal, continuation, or reestablishment - legislative**
12 **declaration - repeal.** (30) (a) The following agencies, functions, or both,
13 are scheduled for repeal on September 1, 2029:

14 (VII) THE COLORADO JAIL STANDARDS COMMISSION CREATED IN
15 PART 4 OF ARTICLE 26 OF TITLE 17;

16 **SECTION 3.** In Session Laws of Colorado 2021, **amend** section
17 4 of chapter 322 as follows:

18 Section 4. **Effective date.** This act takes effect upon passage;
19 except that section 1 of this act takes effect on ~~July 1, 2022~~ JANUARY 1,
20 2023, and section 2 of this act takes effect on January 1, 2022.

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