



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1013: DOC VISITATION RIGHTS

Prime Sponsors:

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Sen. Coleman; Exum

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Fiscal note status: The revised fiscal note reflects the reengrossed bill, as amended by the Senate State, Veterans, and Military Affairs Committee.

Summary Information

Overview. The bill establishes social visitation rights and related policies for persons confined in the Department of Corrections.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures

Appropriations. For FY 2025-26, the bill requires an appropriation of \$15,781 to the Department of Corrections.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures (General Fund)	\$15,781	\$15,781
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.1 FTE	0.1 FTE

Summary of Legislation

The bill creates a right to social visitation for persons confined in the Department of Corrections (DOC). Visitation includes contact and non-contact visits, family time visits, phone calls, and video visitation.

The DOC is generally prohibited from depriving a person of visitation rights while they are in restrictive housing or subject to restricted privileges, and also from preventing a visitor from seeing a confined individual, as long as both the confined person agrees to the visit and all parties adhere to the DOC's visitation policies.

Exception to these visitation rights are as follows.

- The DOC may limit visitation based on the confined person's restricted housing status or as a sanction if the person has been convicted of a Class 1 Code of Penal Discipline violation.
- The DOC may limit contact visits but is prohibited from doing so for more than 30 consecutive days.
- The DOC may reduce the number of in-person visits per week if the person's custody classification level increases, in accordance with the department's visitation policies.
- Video visits, which are classified as non-contact visits, may supplement in-person visits but cannot replace them entirely when in-person visitation is permitted.
- The DOC also retains the ability to temporarily suspend visitation as necessary for the operational needs of the facility or for ensuring facility safety. This includes instances such as facility disruptions, disasters, or safety events, but the deprivation of visitation must be limited to the duration necessary for resolving these situations.
- The DOC has the authority to temporarily deny or cancel any visitation at any time if it is required to maintain the safe operation of the facility. In such cases, the department is required to document the reasons for the denial or cancellation of visitation.

If a confined person notifies the department in advance that they wish to virtually attend a family funeral or the birth of a child, the department must make reasonable efforts to enable participation, considering the safety of the facility, the public, and the available technology. If the facility lacks the necessary technology for virtual participation, the department may allow the person to attend the event via a phone call instead.

The DOC may establish policies to manage visitation in correctional facilities and to ensure that visitation is part of routine operations. These policies must clearly outline when visits can be canceled or denied, providing as much detail as possible. Additionally, the policies must include a process for notifying both visitors and confined individuals about the cancellation or denial of a visit, giving the most notice possible and specifying the reasons for the decision. Before creating, amending, or repealing these policies, the department must consult with the certified employee organization that represents DOC employees.

These provisions do not create a private right of action. However, if a confined person is deprived of visitation, they are allowed to file a grievance according to department policies, which must comply with federal law regarding access to courts for incarcerated individuals. The department cannot prevent someone from filing a grievance simply because they are in restrictive housing or subject to restricted privileges. After exhausting the grievance process, the confined person has the right to seek judicial review of any denial of their rights under this section, following Colorado's Rules of Civil Procedure.

Beginning January 2026, and each year thereafter, DOC is required to report on the total number of visitation-related grievances filed in the previous year and any changes made to the visitation program as part of its SMART Act hearing.

Background and Assumptions

DOC Visitation Policies and Grievance Procedures

Currently, all confined individuals are permitted non-contact, contact, and video visitation at all custody levels, except for those temporarily sanctioned for violations under Administrative Regulation 150-01, Code of Penal Discipline.

Administrative Regulation 850-04, Grievance Procedure, outlines the grievance process available to inmates. Grievances related to visitation can be filed under this policy.

Technical Limitations

The DOC contracts with a third-party to provide confined individuals with tablets that have the capability for telephone calls, messaging, and video visits. However, restrictive housing areas in DOC facilities do not currently have broadband infrastructure; therefore, these tablets will not function in the restrictive housing areas of DOC facilities. The cost to install wireless access points and switches in these units is estimated at \$50,000 per facility, with 16 facilities requiring the upgrade. Limited broadband in some locations and unforeseen issues may increase the overall cost. The fiscal note assumes the bill allows the DOC to limit visitation based on the confined person's restricted housing status, and that these costs are not required.

State Expenditures

The bill will increase state expenditures in the Department of Corrections by about \$16,000 in FY 2025-26 and ongoing. These costs, paid from the General Fund, are summarized in Table 2 and discussed below.

Table 2
State Expenditures
Department of Corrections

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Legal Services (reappropriated to Dept. of Law)	\$15,781	\$15,781
Total Costs	\$15,781	\$15,781
Total FTE—Legal Services	0.1 FTE	0.1 FTE

Legal Services

Starting in FY 2025-26, the bill increases legal services costs in the DOC by \$15,781 per year. Legal services are provided by the Department of Law at a rate of \$133.74 per hour. The Department of Law will provide legal guidance to advise and provide representation to the DOC on visitation grievance cases. This is estimated to require 118 hours annually, which is the equivalent of 0.1 FTE for the Department of Law.

Visitation Policies and Grievances

The DOC will adjust its visitation policy and procedures to reflect the new right to visitation, and may adjust staffing or workflow to accommodate additional visitation.

The bill may increase the number of grievances filed with the DOC. Currently, confined individuals may not file a grievance about visitation unless it is related to a Code of Penal Discipline violation-related visitation restriction, which is no longer an exception under the bill. Because the population with visitation restrictions is a fraction of the overall prison population, an increase in grievances is assumed to be manageable within existing appropriations.

Risk Management

Under the rules of civil procedure, review of agency administrative decisions do not involve discovery, hearings, or a trial. In addition, neither monetary damages nor an award of attorney's fees are available from these types of cases. The available relief is limited to a court reversal of the agency action and any litigation costs (such as filing or certification fees, which are minimal). As such, any impact to the state's Risk Management Fund for litigation-related costs is assumed to be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2025-26, the bill requires a General Fund appropriation of \$15,781 the Department of Corrections, reappropriated to the Department of Law with 0.1 FTE.

Departmental Difference

Depts. of Corrections & Personnel and Administration—Risk Management

The DOC and DPA estimate that the bill will increase risk management costs legal services by \$432,000 per year, with FY 2025-26 costs paid from the General Fund and future year costs paid using reappropriated funds from the Department of Corrections. This is based on the assumption that there will be 24 cases per year with legal costs of \$18,000 per case. The fiscal note assumes that most cases will be resolved through the grievance process. Further, because the bill does not create a new right of action, and any ability for inmates to bring a claim will depend on a change in legal precedent based on future court action, the fiscal note does not include these costs.

State and Local Government Contacts

Corrections

Personnel

Law