

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

HB25-1013 be amended as follows:

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
30 CONTACT VISITS:

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

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

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

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

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

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

12 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
13 CONTRARY, THE DEPARTMENT MAY TEMPORARILY DENY OR CANCEL ANY
14 VISITATION AT ANY TIME AS NECESSARY FOR THE SAFE OPERATION OF THE
15 FACILITY OR THE SAFETY OF PERSONS IN THE FACILITY. THE DEPARTMENT
16 SHALL DOCUMENT THE DENIAL OR CANCELLATION OF VISITATION MADE
17 PURSUANT TO THIS SUBSECTION (5).

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

30 (7) (a) THE DEPARTMENT MAY ADOPT POLICIES TO GOVERN THE
31 ADMINISTRATION OF VISITATION, INCLUDING POLICIES NECESSARY TO
32 ALLOW FOR VISITATION AS PART OF ROUTINE FACILITY OPERATIONS. IF THE
33 DEPARTMENT ADOPTS POLICIES, THE POLICIES MUST INCLUDE CRITERIA
34 DETAILING, WITH THE GREATEST SPECIFICITY FEASIBLE, WHEN THE
35 DEPARTMENT MAY CANCEL VISITS OR DENY ACCESS TO A VISITOR. IF THE
36 DEPARTMENT ADOPTS POLICIES, THE POLICIES MUST ALSO INCLUDE A
37 PROCESS FOR THE DEPARTMENT TO NOTIFY VISITORS AND CONFINED
38 PERSONS WHEN THE DEPARTMENT DENIES OR CANCELS A VISIT WITH THE
39 MOST POSSIBLE NOTICE AND WITH SPECIFICITY FOR THE REASON FOR
40 DENYING OR CANCELLING THE VISIT.

41 (b) BEFORE ADOPTING, AMENDING, OR REPEALING POLICIES
42 DESCRIBED IN THIS SUBSECTION (7), THE DEPARTMENT SHALL CONSULT
43 WITH THE CERTIFIED EMPLOYEE ORGANIZATION THAT REPRESENTS

1 DEPARTMENT EMPLOYEES PURSUANT TO PART 11 OF ARTICLE 50 OF TITLE
2 24.

3 (8) THIS SECTION DOES NOT:

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

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

8 (c) AFFECT FAMILY TIME POLICIES ADOPTED PURSUANT TO SECTION
9 17-42-105 (6)(a) THAT DO NOT CONFLICT WITH THIS SECTION.

10 (9) (a) NOTHING IN THIS SECTION CREATES A PRIVATE RIGHT OF
11 ACTION.

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

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

24 (10) BEGINNING IN JANUARY 2026, AND IN JANUARY EVERY YEAR
25 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
26 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION
27 2-7-203, INFORMATION CONCERNING:

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

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

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

34 (a) IT RECOGNIZES THE DEPARTMENT'S UNDERSTANDING AND
35 SUPPORT OF THE IMPORTANCE OF A PERSON MAINTAINING FAMILY
36 CONNECTIONS WHILE INCARCERATED; AND

37 (b) THE DEPARTMENT COMMITS TO:

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

40 (II) TAKING REASONABLE MEASURES TO IMPROVE THE
41 DEPARTMENT'S ABILITY TO TRACK VISITATION RESTRICTIONS AND MAKE
42 DATA RELATED TO VISITATION AVAILABLE;

43 (III) TAKING REASONABLE MEASURES TO INCREASE AVAILABLE

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

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

12 **SECTION 2.** In Colorado Revised Statutes, 17-42-103, **amend**
13 (1.5) introductory portion as follows:

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

26 **SECTION 3. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate
28 preservation of the public peace, health, or safety or for appropriations for
29 the support and maintenance of the departments of the state and state
30 institutions."

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