

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.

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).

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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