

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0349.02 Michael Dohr x4347

**HOUSE BILL 21-1211**

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**HOUSE SPONSORSHIP**

**Amabile**, Bacon, Caraveo, Hooton, Michaelson Jenet

**SENATE SPONSORSHIP**

**Lee**,

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING REGULATIONS FOR RESTRICTIVE HOUSING IN LOCAL**  
102 **JAILS.**

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**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>.)*

Beginning July 1, 2022, the bill prohibits a local jail with a bed capacity of over 400 beds from involuntarily placing an individual in restrictive housing if the individual meets any one of the following conditions:

- The individual is diagnosed with a serious mental health disorder or is exhibiting self-harm, grossly abnormal and

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.

irrational behaviors, or breaks with reality or perceptions of reality indicating the presence of a serious mental health disorder;

- The individual has self-reported a serious mental health disorder;
- The individual has a significant auditory or visual impairment that cannot otherwise be accommodated;
- The individual is pregnant or in the postpartum period;
- The individual is significantly neurocognitively impaired by a condition such as dementia or a traumatic brain injury;
- The individual is under 18 years of age; or
- The individual has an intellectual or developmental disability.

Beginning July 1, 2021, the bill requires each local jail to keep and maintain a record of certain data regarding each individual placed in restrictive housing and certain data regarding each individual with a mental health condition or substance use condition and those transferred for a mental health hold.

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

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

4 **PART 3**

5 **RESTRICTIVE HOUSING IN JAILS**

6 **17-26-301. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
7 FINDS THAT:

8 (a) PLACING INDIVIDUALS WITH SERIOUS MENTAL HEALTH  
9 CONDITIONS IN RESTRICTIVE HOUSING WITHIN A LOCAL JAIL IS  
10 INAPPROPRIATE AND CAUSES FURTHER HARM TO THE INDIVIDUAL;

11 (b) ACCORDING TO THE NATIONAL COMMISSION ON  
12 CORRECTIONAL HEALTH CARE, PROLONGED SOLITARY CONFINEMENT IS  
13 CRUEL, INHUMANE, AND DEGRADING TREATMENT AND HARMFUL TO AN  
14 INDIVIDUAL'S HEALTH, AND JUVENILES, INDIVIDUALS WITH SERIOUS  
15 MENTAL HEALTH CONDITIONS, AND PREGNANT WOMEN SHOULD BE

1 EXCLUDED FROM SOLITARY CONFINEMENT OF ANY DURATION;

2 (c) THE WORLD HEALTH ORGANIZATION, UNITED NATIONS, AND  
3 OTHER INTERNATIONAL BODIES HAVE RECOGNIZED THAT SOLITARY  
4 CONFINEMENT IS HARMFUL TO HEALTH;

5 (d) PSYCHOLOGICAL EFFECTS CAUSED BY PLACEMENT IN  
6 ISOLATION CAN INCLUDE SELF-HARM, SUICIDE, PARANOIA, PSYCHOSIS,  
7 COGNITIVE DISTURBANCES, PERCEPTUAL DISTORTIONS, OBSESSIVE  
8 THOUGHTS, ANXIETY, AND DEPRESSION;

9 (e) STUDIES HAVE SHOWN THAT THE PSYCHOLOGICAL STRESS  
10 CREATED FROM SOLITARY CONFINEMENT COMPARES TO THE DISTRESS OF  
11 PHYSICAL TORTURE. ACCORDING TO UNITED STATES DISTRICT JUDGE  
12 THELTON HENDERSON, PUTTING AN INDIVIDUAL WITH A SERIOUS MENTAL  
13 HEALTH CONDITION IN SOLITARY CONFINEMENT IS THE EQUIVALENT OF  
14 PUTTING A PERSON WITH ASTHMA IN A PLACE WITH LITTLE AIR.

15 (f) IN 2012, A TASK FORCE APPOINTED BY THE UNITED STATES  
16 ATTORNEY GENERAL CONCLUDED THAT NOWHERE IS THE DAMAGING  
17 IMPACT OF INCARCERATION ON VULNERABLE CHILDREN MORE OBVIOUS  
18 THAN WHEN IT INVOLVES SOLITARY CONFINEMENT. JUVENILES  
19 EXPERIENCE SYMPTOMS OF PARANOIA, ANXIETY, AND DEPRESSION EVEN  
20 AFTER VERY SHORT PERIODS OF ISOLATION.

21 (g) THE UNITED NATIONS STANDARD MINIMUM RULES FOR THE  
22 TREATMENT OF PRISONERS STATE THAT SOLITARY CONFINEMENT SHOULD  
23 BE PROHIBITED IN CASES INVOLVING CHILDREN AND IN THE CASE OF  
24 ADULTS WITH MENTAL OR PHYSICAL DISABILITIES WHEN THEIR  
25 CONDITIONS WOULD BE EXACERBATED BY SUCH MEASURES; AND

26 (h) INTERNATIONAL STANDARDS ESTABLISHED BY THE UNITED  
27 NATIONS RULES FOR THE TREATMENT OF WOMEN PRISONERS AND

1 NON-CUSTODIAL MEASURES FOR WOMEN OFFENDERS STATE THAT  
2 PREGNANT WOMEN SHOULD NEVER BE PLACED IN SOLITARY CONFINEMENT  
3 AS THEY ARE ESPECIALLY SUSCEPTIBLE TO ITS HARMFUL PSYCHOLOGICAL  
4 EFFECTS.

5 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT DUE TO  
6 THE SUBSTANTIAL NEGATIVE IMPACTS OF PLACING JUVENILES AND ADULTS  
7 WITH SPECIFIC HEALTH CONDITIONS IN RESTRICTIVE HOUSING, THE STATE  
8 MUST TAKE IMMEDIATE STEPS TO END AND PROHIBIT THE USE OF  
9 RESTRICTIVE HOUSING OF JUVENILES AND ADULTS WITH SPECIFIC HEALTH  
10 CONDITIONS IN COLORADO JAILS.

11 **17-26-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "INTELLECTUAL AND DEVELOPMENTAL DISABILITY" MEANS A  
14 DISABILITY ATTRIBUTABLE TO AN INTELLECTUAL AND DEVELOPMENTAL  
15 DISABILITY OR RELATED CONDITIONS, CONSTITUTING A SUBSTANTIAL  
16 DISABILITY, INCLUDING PRADER-WILLI SYNDROME, CEREBRAL PALSY,  
17 EPILEPSY, AUTISM, OR OTHER NEUROLOGICAL CONDITIONS WHEN THE  
18 CONDITION OR CONDITIONS RESULT IN IMPAIRMENT OF GENERAL  
19 INTELLECTUAL FUNCTIONING OR ADAPTIVE BEHAVIOR SIMILAR TO THAT OF  
20 A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY.

21 (2) "LOCAL JAIL" MEANS A JAIL OR AN ADULT DETENTION CENTER  
22 OF A COUNTY OR CITY AND COUNTY WITH A CAPACITY OF MORE THAN  
23 FOUR HUNDRED BEDS.

24 (3) "POSTPARTUM PERIOD" MEANS ONE YEAR AFTER A PREGNANCY  
25 HAS ENDED.

26 (4) "RESTRICTIVE HOUSING" MEANS AN INVOLUNTARY PLACEMENT  
27 THAT REQUIRES AN INDIVIDUAL TO BE CONFINED IN THE INDIVIDUAL'S CELL

1 SEPARATELY FROM OTHER INDIVIDUALS WITH VERY LIMITED OUT-OF-CELL  
2 TIME, LESS THAN TWENTY-TWO HOURS ON REGULAR AND APPROPRIATE  
3 INTERVALS OVER A SEVEN-DAY PERIOD, AND RESTRICTED ACTIVITY,  
4 MOVEMENT, AND SOCIAL INTERACTION.

5 (5) "SERIOUS MENTAL HEALTH DISORDER" INCLUDES ONE OR MORE  
6 SUBSTANTIAL DISORDERS OF THE COGNITIVE, VOLITIONAL, OR EMOTIONAL  
7 PROCESSES THAT GROSSLY IMPAIR JUDGMENT OR CAPACITY TO RECOGNIZE  
8 REALITY OR TO CONTROL BEHAVIOR AND THAT SUBSTANTIALLY INTERFERE  
9 WITH THE PERSON'S ABILITY TO MEET THE ORDINARY DEMANDS OF LIVING.  
10 THESE CAN INCLUDE, BUT ARE NOT LIMITED TO, A PSYCHOTIC DISORDER,  
11 BIPOLAR DISORDER, OR MAJOR DEPRESSIVE DISORDER OR ANY DIAGNOSED  
12 MENTAL DISORDER, EXCEPT FOR SUBSTANCE USE DISORDERS, CURRENTLY  
13 ASSOCIATED WITH SERIOUS IMPAIRMENT OF PSYCHOLOGICAL, COGNITIVE,  
14 OR BEHAVIORAL FUNCTIONING.

15 **17-26-303. Placement in restrictive housing in a jail.** (1) A  
16 LOCAL JAIL SHALL NOT INVOLUNTARILY PLACE AN INDIVIDUAL IN  
17 RESTRICTIVE HOUSING, INCLUDING FOR DISCIPLINARY REASONS, IF THE  
18 INDIVIDUAL MEETS ANY ONE OF THE FOLLOWING CONDITIONS:

19 (a) THE INDIVIDUAL IS DIAGNOSED WITH A SERIOUS MENTAL  
20 HEALTH DISORDER OR IS EXHIBITING SELF-HARM, GROSSLY ABNORMAL  
21 AND IRRATIONAL BEHAVIORS, OR BREAKS WITH REALITY OR PERCEPTIONS  
22 OF REALITY INDICATING THE PRESENCE OF A SERIOUS MENTAL HEALTH  
23 DISORDER;

24 (b) THE INDIVIDUAL HAS SELF-REPORTED A SERIOUS MENTAL  
25 HEALTH DISORDER;

26 (c) THE INDIVIDUAL HAS A SIGNIFICANT AUDITORY OR VISUAL  
27 IMPAIRMENT THAT CANNOT OTHERWISE BE ACCOMMODATED;

1 (d) THE INDIVIDUAL IS PREGNANT OR IN THE POSTPARTUM PERIOD;

2 (e) THE INDIVIDUAL IS SIGNIFICANTLY NEUROCOGNITIVELY  
3 IMPAIRED BY A CONDITION SUCH AS DEMENTIA OR A TRAUMATIC BRAIN  
4 INJURY;

5 (f) THE INDIVIDUAL IS UNDER EIGHTEEN YEARS OF AGE; OR

6 (g) THE INDIVIDUAL HAS AN INTELLECTUAL AND DEVELOPMENTAL  
7 DISABILITY.

8 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
9 A LOCAL JAIL MAY PLACE AN INDIVIDUAL ALONE IN A ROOM OR AREA FROM  
10 WHICH EGRESS IS PREVENTED IF THE CONFINEMENT IS PART OF A ROUTINE  
11 PRACTICE THAT IS APPLICABLE TO SUBSTANTIAL PORTIONS OF THE JAIL  
12 POPULATION FOR HEALTH OR SECURITY REASONS.

13 (3) EACH LOCAL JAIL SHALL PRODUCE WRITTEN POLICIES AND  
14 PROCEDURES IN ACCORDANCE WITH THIS PART 3 AND SHALL POST THE  
15 POLICIES AND PROCEDURES ON THE LOCAL JAIL'S WEBSITE.

16 **SECTION 2.** In Colorado Revised Statutes, 17-26-118, **add** (5)  
17 and (6) as follows:

18 **17-26-118. Criminal justice data collection - definitions -**  
19 **repeal.** (5) (a) THE KEEPER OF EACH LOCAL JAIL SHALL KEEP AND  
20 MAINTAIN A RECORD OF THE FOLLOWING DATA REGARDING EACH  
21 INDIVIDUAL PLACED IN RESTRICTIVE HOUSING, INCLUDING:

22 (I) THE INDIVIDUAL'S SELF-IDENTIFIED RACE OR ETHNICITY,  
23 GENDER, AND AGE;

24 (II) WHETHER THE INDIVIDUAL HAS A SERIOUS MENTAL HEALTH  
25 CONDITION;

26 (III) THE PLACEMENT CLASSIFICATION OF THE INDIVIDUAL BEFORE  
27 BEING PLACED IN RESTRICTIVE HOUSING;

1 (IV) THE BASIS FOR PLACING THE INDIVIDUAL IN RESTRICTIVE  
2 HOUSING;

3 (V) THE DATES ON AND TIMES IN WHICH THE INDIVIDUAL WAS  
4 PLACED IN RESTRICTIVE HOUSING FOR EACH PLACEMENT IN RESTRICTIVE  
5 HOUSING;

6 (VI) ANY ALTERNATIVES ATTEMPTED BEFORE PLACEMENT IN  
7 RESTRICTIVE HOUSING, AND IF NONE WERE ATTEMPTED, THE REASONS WHY  
8 NO ALTERNATIVES WERE ATTEMPTED;

9 (VII) WHETHER THE INDIVIDUAL SUFFERED INJURY OR DEATH  
10 WHILE PLACED IN RESTRICTIVE HOUSING AND THE MANNER AND CAUSE OF  
11 THE INJURY OR DEATH;

12 (VIII) WHETHER ANYONE ELSE ASSISTING THE INDIVIDUAL  
13 SUFFERED INJURY OR DEATH WHILE PLACING THE INDIVIDUAL IN  
14 RESTRICTIVE HOUSING, AND THE MANNER AND CAUSE OF THE INJURY OR  
15 DEATH;

16 (IX) MEDICAL OR MENTAL HEALTH DIAGNOSES OF THE INDIVIDUAL  
17 AND TREATMENT PROVIDED BY THE LOCAL JAIL THAT OCCURRED WHILE  
18 THE INDIVIDUAL WAS PLACED IN RESTRICTIVE HOUSING;

19 (X) MEDICAL DIAGNOSES OR TREATMENT OF THE INDIVIDUAL THAT  
20 OCCURRED WHILE PLACED IN RESTRICTIVE HOUSING; AND

21 (XI) WHETHER THE INDIVIDUAL WAS REFERRED FOR A  
22 MANDATORY MENTAL HEALTH HOLD OR A SUBSTANCE ABUSE HOLD AND  
23 IF SO, WHETHER THE INDIVIDUAL WAS CERTIFIED FOR THE HOLD OR NOT.

24 (b) EACH LOCAL JAIL SHALL PROVIDE THIS INFORMATION TO THE  
25 DEPARTMENT OF PUBLIC SAFETY QUARTERLY FOR THE DEPARTMENT TO  
26 MAKE PUBLICLY AVAILABLE.

27 (6) (a) THE KEEPER OF EACH LOCAL JAIL SHALL KEEP AND

1 MAINTAIN A RECORD OF THE FOLLOWING DATA FOR EACH CALENDAR  
2 QUARTER:

3 (I) HOW MANY INDIVIDUALS IN THE LOCAL JAIL HAVE:

4 (A) AN IDENTIFIED MENTAL HEALTH CONDITION;

5 (B) AN IDENTIFIED SUBSTANCE USE CONDITION; OR

6 (C) AN IDENTIFIED MENTAL HEALTH AND SUBSTANCE USE  
7 CONDITION; AND

8 (II) HOW MANY INDIVIDUALS IN THE LOCAL JAIL THAT HAVE BEEN  
9 TRANSFERRED TO A HOSPITAL OR LOCAL CRISIS FACILITY FOR AN  
10 EVALUATION PURSUANT TO SECTION 27-65-105 OR AS THE RESULT OF A  
11 PETITION FILED PURSUANT TO SECTION 27-65-105 AND THE OUTCOME OF  
12 THAT TRANSFER OR PETITION, INCLUDING:

13 (A) WHETHER THE INDIVIDUAL WAS CERTIFIED;

14 (B) WHETHER THE HOSPITAL HELD THE INDIVIDUAL FOR LONGER  
15 THAN TWENTY-FOUR HOURS;

16 (C) WHETHER THE HOSPITAL HELD THE INDIVIDUAL FOR LESS THAN  
17 TWELVE HOURS;

18 (D) IF THE INDIVIDUAL'S SYMPTOMS THAT WARRANTED THE  
19 TRANSFER TO THE HOSPITAL WERE STILL PRESENT UPON TRANSFER BACK  
20 TO THE JAIL;

21 (E) ANY ORDERS ENTERED BY THE COURT FOR AN EVALUATION  
22 BASED UPON THE PETITION;

23 (F) ANY ORDERS OF CERTIFICATION ENTERED BY THE COURT AS A  
24 RESULT OF THE FILING OF A PETITION; AND

25 (G) IF THE INDIVIDUAL WAS NOT CERTIFIED AS A RESULT OF A  
26 MENTAL HEALTH EVALUATION UNDER EITHER SECTION 27-65-105 OR  
27 27-65-106, THE REASON SUPPLIED BY THE EVALUATING PROFESSIONAL FOR



1 NOT CERTIFYING THAT INDIVIDUAL.

2 (b) EACH LOCAL JAIL SHALL PROVIDE THIS INFORMATION TO THE  
3 DEPARTMENT OF PUBLIC SAFETY QUARTERLY FOR THE DEPARTMENT TO  
4 MAKE PUBLICLY AVAILABLE.

5 **SECTION 3. Effective date.** This act takes effect upon passage;  
6 except that section 1 of this act takes effect on July 1, 2022, and section  
7 2 of this act takes effect on July 1, 2021.

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