

CHAPTER 448

CORRECTIONS

HOUSE BILL 25-1013

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AN ACT

CONCERNING SOCIAL VISITATION RIGHTS FOR A PERSON CONFINED IN A CORRECTIONAL FACILITY.

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

SECTION 1. In Colorado Revised Statutes, add 17-20-130 as follows:

17-20-130. Visitation in correctional facilities - department policies - reporting - legislative declaration - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CLASS 1 CODE OF PENAL DISCIPLINE VIOLATION" MEANS A VIOLATION OF AN OFFENSE DESCRIBED AS A CLASS 1 OFFENSE IN THE CODE OF PENAL DISCIPLINE ADOPTED BY THE DEPARTMENT.

(b) "DEPRIVE" MEANS TO DENY ACCESS TO ANY FORM OF VISITATION.

(c) "VISITATION" MEANS ALL TYPES OF SOCIAL VISITS WITH A PERSON CONFINED IN A CORRECTIONAL FACILITY, INCLUDING CONTACT VISITS, NON-CONTACT VISITS, FAMILY TIME VISITS, TELEPHONE CALLS, AND VIDEO VISITATION. "VISITATION" DOES NOT INCLUDE VISITS THAT ARE NOT SOCIAL VISITS, SUCH AS VISITS FROM A QUALIFIED HEALTH-CARE PROFESSIONAL OR FROM A PERSON'S ATTORNEY.

(2) A PERSON CONFINED IN A CORRECTIONAL FACILITY HAS VISITATION RIGHTS.

(3) (a) EXCEPT AS EXPRESSLY PERMITTED IN THIS SECTION, THE DEPARTMENT SHALL NOT:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(I) DEPRIVE A PERSON OF VISITATION RIGHTS WHILE THE PERSON IS IN RESTRICTIVE HOUSING OR IS SUBJECT TO RESTRICTED PRIVILEGES; OR

(II) DEPRIVE A VISITOR OF THE ABILITY TO VISIT A PERSON CONFINED IN A CORRECTIONAL FACILITY SO LONG AS THE CONFINED PERSON AGREES TO THE VISIT AND THE VISITOR AND THE CONFINED PERSON COMPLY WITH ALL OF THE DEPARTMENT'S POLICIES.

(4) (a) THE FOLLOWING LIMITATIONS ARE EXPRESSLY PERMITTED AND ARE NOT CONSIDERED A DEPRIVATION OF VISITATION:

(I) THE DEPARTMENT MAY LIMIT VISITATION FOR A CONFINED PERSON WHO IS IN RESTRICTIVE HOUSING; EXCEPT THAT THE DEPARTMENT SHALL NOT LIMIT THE PERSON'S CONTACT VISITS FOR MORE THAN THIRTY CONSECUTIVE CALENDAR DAYS AND SHALL NOT LIMIT THE PERSON'S TELEPHONE CALLS TO FEWER THAN ONE TELEPHONE CALL EVERY FIVE CALENDAR DAYS; AND

(II) THE DEPARTMENT MAY LIMIT A CONFINED PERSON'S VISITATION AS A SANCTION IF THE PERSON HAS BEEN CONVICTED OF A CLASS 1 CODE OF PENAL DISCIPLINE VIOLATION; EXCEPT THAT THE DEPARTMENT SHALL NOT LIMIT THE PERSON'S CONTACT VISITS FOR MORE THAN THIRTY CONSECUTIVE CALENDAR DAYS.

(b) (I) THE DEPARTMENT MAY REDUCE, BUT NOT ELIMINATE, THE NUMBER OF VISITS AVAILABLE PER WEEK TO A CONFINED PERSON AS A RESULT OF AN INCREASE IN THE PERSON'S CUSTODY CLASSIFICATION LEVEL CONSISTENT WITH THE DEPARTMENT'S VISITATION AND TELEPHONE POLICIES. THE REDUCTION DESCRIBED IN THIS SUBSECTION (4)(b)(I) IS EXPRESSLY PERMITTED AND IS NOT CONSIDERED A DEPRIVATION OF VISITATION.

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

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

(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE DEPARTMENT MAY DENY OR CANCEL VISITATION FOR A CONFINED PERSON WITH ANOTHER PERSON AT ANY TIME AS NECESSARY TO COMPLY WITH REQUIREMENTS IMPOSED BY A COURT ORDER, FOR VICTIM SAFETY, TO PREVENT COMMUNICATION WITH A CO-DEFENDANT, TO PRESERVE THE INTEGRITY OF A CRIMINAL INVESTIGATION, TO COMPLY WITH TREATMENT PROTOCOLS, OR FOR ANY OTHER REASON REQUIRED BY LAW. THE DEPARTMENT SHALL DOCUMENT THE DENIAL OR CANCELLATION OF VISITATION MADE PURSUANT TO THIS SUBSECTION (5).

(6) IF A PERSON CONFINED IN A CORRECTIONAL FACILITY PROVIDES THE

DEPARTMENT WITH REASONABLE NOTICE THAT A REQUESTED VISITATION IS FOR VIRTUAL ATTENDANCE AT A FUNERAL OR VIRTUAL ATTENDANCE DURING OR IMMEDIATELY FOLLOWING THE BIRTH OF A CHILD IN THE PERSON'S FAMILY, THE DEPARTMENT SHALL MAKE ALL REASONABLE EFFORTS CONSISTENT WITH THE SAFETY OF THE FACILITY AND GENERAL PUBLIC, AND WITH THE TECHNOLOGY AVAILABLE AT THE CORRECTIONAL FACILITY AND THE EVENT, TO ALLOW THE PERSON TO PARTICIPATE IN THE VISITATION. IF THE TECHNOLOGY TO FACILITATE VIRTUAL ATTENDANCE AT THE EVENT IS NOT AVAILABLE, THE DEPARTMENT MAY COMPLY WITH THIS SUBSECTION (6) BY ALLOWING THE PERSON A TELEPHONE CALL AS AN ALTERNATIVE TO VIRTUAL ATTENDANCE.

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

(8) THIS SECTION DOES NOT:

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

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

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

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

(b) THE DEPARTMENT SHALL PERMIT A PERSON CONFINED IN A CORRECTIONAL FACILITY WHO ALLEGES DEPRIVATION OF VISITATION TO FILE A GRIEVANCE IN ACCORDANCE WITH DEPARTMENT POLICIES. THE DEPARTMENT SHALL NOT DENY A PERSON THE ABILITY TO FILE A GRIEVANCE BECAUSE THE PERSON IS IN RESTRICTIVE HOUSING OR IS SUBJECT TO RESTRICTED PRIVILEGES.

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

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

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

(11) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

(b) THE DEPARTMENT COMMITS TO:

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

(II) TAKING REASONABLE MEASURES TO INCREASE TELEPHONE CALLS AND NON-CONTACT VISITS, INCLUDING VIDEO CALLS, INCLUDING FOR PERSONS WHO ARE IN RESTRICTIVE HOUSING AND AFTER CODE OF PENAL DISCIPLINE VIOLATIONS;

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

(IV) TAKING REASONABLE MEASURES TO INCREASE AVAILABLE VISITATION TECHNOLOGY IN CORRECTIONAL FACILITIES WHEN POSSIBLE, INCLUDING INCREASING THE AVAILABILITY OF BROADBAND INTERNET IN RESTRICTIVE HOUSING CELLS;

(V) ALLOCATING REASONABLE TIME DURING REGULARLY SCHEDULED PUBLIC CITIZEN ADVOCACY MEETINGS TO DISCUSS DESIRED IMPROVEMENTS TO THE VISITATION PROGRAM AND TAKING REASONABLE MEASURES TO IMPLEMENT SUGGESTIONS FROM CITIZENS AND ADVOCATES WHEN POSSIBLE; AND

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

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

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

SECTION 3. Legislative intent. The general assembly intends that in

implementing this bill, the department of corrections shall abide by any applicable provisions of a partnership agreement established pursuant to section 24-50-1112.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 4, 2025