

An Act

HOUSE BILL 26-1276

BY REPRESENTATIVE(S) Velasco and Garcia, Brown, Carter, Clifford, Duran, Froelich, Gilchrist, Goldstein, Jackson, Lindsay, Lukens, Mabrey, Martinez, McCormick, Nguyen, Paschal, Rutinel, Rydin, Sirota, Smith, Stewart K., Stewart R., Story, Titone, Willford, Woodrow, Zokaie, Bacon, Boesenecker, Camacho, English, Espenosa, Hamrick, Joseph, Mauro, Phillips, Ricks, McCluskie;
also SENATOR(S) Jodeh and Weissman, Amabile, Ball, Benavidez, Cutter, Danielson, Daugherty, Exum, Gonzales J., Hinrichsen, Kipp, Kolker, Lindstedt, Marchman, Mullica, Roberts, Rodriguez, Snyder, Sullivan, Wallace.

CONCERNING MEASURES TO PROTECT THE SAFETY OF INDIVIDUALS WHO ARE IMMIGRANTS IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 24-74-105, add (3) as follows:

24-74-105. Access to state agency or political subdivision records - limitations.

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.

(3) THE CERTIFICATION REQUIREMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO COLORADO COURTS' E-FILING SYSTEM USERS.

SECTION 2. In Colorado Revised Statutes, 25-1-506, **amend** (3)(b) introductory portion, (3)(b)(XIV), and (3)(b)(XV); and **add** (3)(b)(XVI) as follows:

25-1-506. County or district public health agency.

(3) (b) In addition to other powers and duties, an agency ~~shall have~~ HAS the following duties:

(XIV) To collaborate with the state department and the state board in all matters pertaining to public health, the water quality control commission in all matters pertaining to water quality, the air quality control commission and the division of administration of the state department in all matters pertaining to air pollution, and the solid and hazardous waste commission in all matters pertaining to solid and hazardous waste; ~~and~~

(XV) To establish or arrange for the establishment of, by January 1, 2015, and subject to available appropriations, a local or regional child fatality prevention review team pursuant to section 25-20.5-404; AND

(XVI) IN ITS DISCRETION, TO INSPECT OR EXAMINE A FACILITY THAT HOUSES OR DETAINS INDIVIDUALS WHO ARE NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS.

SECTION 3. In Colorado Revised Statutes, 25-1.5-101, **amend** (1)(i)(I)(D); and **add** (1)(dd) as follows:

25-1.5-101. Powers and duties of department - laboratory cash fund - office of suicide prevention - suicide prevention coordination cash fund - immigration facility inspection and detention cash fund - dispensation of payments under contracts with grantees - report - rules - definitions.

(1) The department has, in addition to all other powers and duties imposed upon it by law, the powers and duties provided in this section as

follows:

(i) (I) (D) With respect to any A facility that houses or detains INDIVIDUALS WHO ARE noncitizens for purposes of civil immigration proceedings, such THE inspections and examinations must be made annually, and additional unannounced inspections may ANDEXAMINATIONS MUST be conducted after the annual inspection. UNANNOUNCED INSPECTIONS AND EXAMINATIONS MUST BE MADE AT LEAST ONE TIME EVERY THREE MONTHS, AND MAY BE MADE MORE FREQUENTLY, AND THE FACILITY SHALL PAY FOR THE INSPECTIONS AND EXAMINATIONS. THE INSPECTIONS ANDEXAMINATIONS MADE PURSUANT TO THIS SUBSECTION (1)(i)(I)(D) MUST INCLUDE A REVIEW OF THE FOLLOWING: ADHERENCE TO FOOD SAFETY STANDARDS AND DRINKING WATER QUALITY STANDARDS, CONFINEMENT CONDITIONS, AND STANDARDS OF CARE PROVIDED TO INDIVIDUALS WHO ARE DETAINED IN THE FACILITY. THE FACILITY SHALL PROVIDE TO A DEPARTMENT REPRESENTATIVE WHO IS CONDUCTING AN INSPECTION OR EXAMINATION PURSUANT TO THIS SUBSECTION (1)(i)(I)(D), OR AN INVESTIGATION RELATED TO AN EPIDEMIC OR COMMUNICABLE DISEASE, ALL ACCESS NECESSARY TO PERFORM THE INSPECTION OR INVESTIGATION, INCLUDING ACCESS TO PEOPLE WHO ARE DETAINED, RECORDS, FACILITY OFFICIALS, AND FACILITY PERSONNEL. IF A FACILITY REFUSES TO ALLOW AN INSPECTION OR EXAMINATION PURSUANT TO THIS SUBSECTION (1)(i)(I)(D) OR INVESTIGATION RELATED TO AN EPIDEMIC OR COMMUNICABLE DISEASE, THE FACILITY IS LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH REFUSAL. THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE THIS SUBSECTION (1)(i)(I)(D), INCLUDING AN ACTION SEEKING A CIVIL PENALTY. ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO THIS SUBSECTION (1)(i)(I)(D) MUST BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE IMMIGRATION LEGAL DEFENSE FUND ESTABLISHED PURSUANT TO SECTION 8-3.8-101. THE DEPARTMENT MAY ADOPT RULES IT DETERMINES ARE NECESSARY FOR PURPOSES OF THIS SUBSECTION (1)(i)(I)(D). THIS SUBSECTION (1)(i)(I)(D) APPLIES TO A LOCAL, COUNTY, OR PRIVATE FACILITY THAT HOUSES OR DETAINS INDIVIDUALS WHO ARE NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS, INCLUDING A FACILITY THAT IS OPERATED ON BEHALF OF OR PURSUANT TO A CONTRACT WITH FEDERAL IMMIGRATION AUTHORITIES. THIS SUBSECTION (1)(i)(I)(D) DOES NOT APPLY TO DETENTION FACILITIES OPERATED DIRECTLY BY THE FEDERAL GOVERNMENT.

(dd) (I) WITH RESPECT TO A FACILITY THAT HOUSES OR DETAINS

INDIVIDUALS WHO ARE NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS, THE POWER TO REQUIRE THE FACILITY TO:

(A) PROVIDE TO THE DEPARTMENT A YEARLY REPORT DETAILING THE FOLLOWING: THE OUTCOMES OF PREGNANT INDIVIDUALS IN THE FACILITY, OUTCOMES OF INDIVIDUALS WITH CHRONIC HEALTH CONDITIONS, OUTCOMES OF INDIVIDUALS WITH DISABILITIES, ACCESS TO FOOD FOR INDIVIDUALS WITH DIETARY RESTRICTIONS, AVERAGE TEMPERATURE WITHIN THE FACILITY, HIGHEST AND LOWEST TEMPERATURES RECORDED WITHIN THE FACILITY, INDIVIDUALS' ACCESS TO AN ATTORNEY, AND INDIVIDUALS' ACCESS TO SPACES OF WORSHIP OR SILENT REFLECTION;

(B) PROHIBIT THE HOUSING OR DETENTION OF A MINOR IN THE SAME ROOM AS A NONFAMILIAL ADULT; AND

(C) ON THE FACILITY'S SITE AND AT ALL TIMES, STAFF THE FACILITY WITH MEDICAL PROFESSIONALS AND MENTAL HEALTH PROFESSIONALS WHO ARE ACCESSIBLE TO INDIVIDUALS WHO ARE NONCITIZENS AND DETAINED FOR PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS.

(II) (A) IF A FACILITY FAILS TO COMPLY WITH A REQUIREMENT IMPOSED BY THE DEPARTMENT PURSUANT TO THIS SUBSECTION (1)(dd), THE FACILITY IS LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH VIOLATION.

(B) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE THIS SUBSECTION (1)(dd), INCLUDING AN ACTION SEEKING A CIVIL PENALTY.

(C) ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO THIS SUBSECTION (1)(dd) MUST BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE IMMIGRATION LEGAL DEFENSE FUND ESTABLISHED PURSUANT TO SECTION 8-3.8-101.

(III) ON OR BEFORE JANUARY 15, 2027, AND ON OR BEFORE JANUARY 15 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE ATTORNEY GENERAL REGARDING FACILITIES' COMPLIANCE WITH THIS SUBSECTION (1)(dd) AND INFORMATION COLLECTED PURSUANT TO SUBSECTION (1)(dd)(I)(A) OF THIS SECTION. THE DEPARTMENT SHALL MAKE THE REPORT AVAILABLE ON A PUBLIC-FACING PAGE ON THE DEPARTMENT'S WEBSITE.

(IV) THIS SUBSECTION (1)(dd) APPLIES TO LOCAL, COUNTY, OR PRIVATE DETENTION FACILITIES THAT HOUSE OR DETAIN INDIVIDUALS WHO ARE NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS, INCLUDING ANY FACILITY THAT IS OPERATED ON BEHALF OF OR PURSUANT TO A CONTRACT WITH FEDERAL IMMIGRATION AUTHORITIES. THIS SUBSECTION (1)(dd) DOES NOT APPLY TO DETENTION FACILITIES OPERATED DIRECTLY BY THE FEDERAL GOVERNMENT.

(V) (A) THE DEPARTMENT MAY ADOPT RULES IT DETERMINES ARE NECESSARY FOR PURPOSES OF THIS SUBSECTION (1)(dd).

(B) THE DEPARTMENT SHALL SET FEES FOR INSPECTIONS AND EXAMINATIONS PURSUANT TO SUBSECTION (1)(i)(I)(D) OF THIS SECTION.

(VI) (A) THE IMMIGRATION FACILITY INSPECTION AND DETENTION CASH FUND IS CREATED IN THE STATE TREASURY. THE IMMIGRATION FACILITY INSPECTION AND DETENTION CASH FUND CONSISTS OF PAYMENTS MADE BY THE FACILITY TO THE DEPARTMENT FOR UNANNOUNCED INSPECTIONS AND EXAMINATIONS, AS REQUIRED PURSUANT TO SUBSECTION (1)(i)(I)(D) OF THIS SECTION. THE DEPARTMENT SHALL TRANSFER ALL PAYMENTS COLLECTED PURSUANT TO SUBSECTION (1)(i)(I)(D) OF THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THE PAYMENTS TO THE IMMIGRATION FACILITY INSPECTION AND DETENTION CASH FUND.

(B) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE IMMIGRATION FACILITY INSPECTION AND DETENTION CASH FUND TO THE IMMIGRATION FACILITY INSPECTION AND DETENTION CASH FUND.

(C) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSE OF CONDUCTING UNANNOUNCED INSPECTIONS AND EXAMINATIONS, AS REQUIRED PURSUANT TO SUBSECTION (1)(i)(I)(D) OF THIS SECTION.

(VII) AS USED IN THIS SUBSECTION (1)(dd), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "MEDICAL PROFESSIONAL" MEANS AN ADVANCED PRACTICE REGISTERED NURSE REGISTERED PURSUANT TO SECTION 12-255-111, A PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION 12-240-113, OR A

MEDICAL DOCTOR OR DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12.

(B) "MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL HEALTH PROFESSIONAL LICENSED OR CERTIFIED PURSUANT TO ARTICLE 245 OF TITLE 12, AN ADVANCED PRACTICE REGISTERED NURSE REGISTERED PURSUANT TO SECTION 12-255-111 WITH TRAINING IN SUBSTANCE USE DISORDERS OR MENTAL HEALTH, OR A PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION 12-240-113 WITH TRAINING IN SUBSTANCE USE DISORDERS OR MENTAL HEALTH. "MENTAL HEALTH PROFESSIONAL" DOES NOT MEAN AN UNLICENSED PSYCHOTHERAPIST AS DEFINED IN SECTION 12-245-202.

SECTION 4. In Colorado Revised Statutes, 24-31-101, **amend** (1)(i)(XXX) and (1)(i)(XXXI); and **add** (1)(i)(XXXII) as follows:

24-31-101. Powers and duties of attorney general.

(1) The attorney general:

(i) May independently initiate and bring civil and criminal actions to enforce state laws, including actions brought pursuant to:

(XXX) Beginning January 1, 2026, part 10 of article 12 of title 38;
and

(XXXI) Section 13-16-126; AND

(XXXII) SECTION 25-1.5-101 (1)(i)(I)(D) AND (1)(dd).

SECTION 5. In Colorado Revised Statutes, 24-31-303, **add** (1)(v) as follows:

24-31-303. Duties - powers of the P.O.S.T. board - definition - repeal.

(1) The P.O.S.T. board has the following duties:

(v) (I) TO ESTABLISH TRAINING STANDARDS RELATED TO PEACE OFFICER COMPLIANCE WITH SECTION 24-76.6-102.

(II) (A) AN INDIVIDUAL WHO IS A CERTIFIED PEACE OFFICER AS OF JULY 1, 2026, SHALL COMPLETE THE TRAINING STANDARDS ESTABLISHED PURSUANT TO THIS SUBSECTION (1)(v) BEFORE DECEMBER 31, 2027.

(B) THIS SUBSECTION (1)(v)(II) IS REPEALED, EFFECTIVE JULY 1, 2028.

SECTION 6. In Colorado Revised Statutes, add 24-31-120 as follows:

24-31-120. Policy regarding the protection of personal identifying information.

NO LATER THAN SEPTEMBER 1, 2026, THE OFFICE OF THE ATTORNEY GENERAL SHALL DEVELOP AND MAKE AVAILABLE TO THE ENTITIES THAT ARE SUBJECT TO ARTICLE 74.1 OF THIS TITLE 24 A MODEL POLICY THAT ALIGNS WITH THE REQUIREMENTS OF ARTICLE 74.1 OF THIS TITLE 24.

SECTION 7. In Colorado Revised Statutes, 8-3.8-101, amend (2)(b) as follows:

8-3.8-101. Immigration legal assistance - fund - report - definitions.

(2) (b) The state treasurer shall credit any civil penalty money transferred to the state treasurer pursuant to section 24-74-107, or 24-74.1-103, OR **25-1.5-101 (1)(i)(I)(D)** OR **(1)(dd)** and interest and income derived from the deposit and investment of the civil penalty money in the fund to the fund.

SECTION 8. Appropriation. For the 2026-27 state fiscal year, \$107,283 is appropriated to the department of public health and environment for use by the division of environmental health and sustainability. This appropriation is from the immigration facility inspection and detention cash fund created in section 25-1.5-101 (1)(dd)(VI)(A), C.R.S., and is based on an assumption that the division will require an additional 1.0 FTE. To implement this act, the division may use this appropriation for environmental health programs.

SECTION 9. Severability. If any provision of this act or the

application of this act to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 10. 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

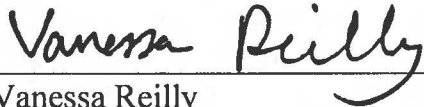
the support and maintenance of the departments of the state and state institutions



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

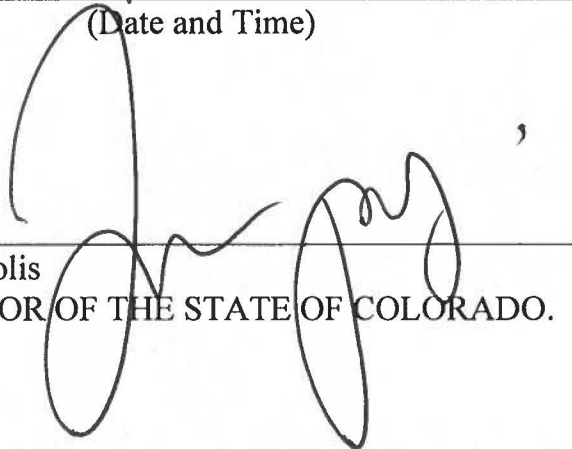


Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED on Thursday June 4th 2016 at 11:45am
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO.