

CHAPTER 14

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 25-1050

BY REPRESENTATIVE(S) Garcia, Bacon, Brown, Clifford, Duran, Lindsay, Marshall, Story, Velasco, McCluskie;
also SENATOR(S) Amabile, Ball, Daugherty, Michaelson Jenet, Roberts, Weissman, Coleman.

AN ACT

CONCERNING AN EXCEPTION TO THE REQUIREMENT THAT A COUNTY WITH A POPULATION OF TWO THOUSAND OR MORE MAINTAIN ITS OWN COUNTY JAIL FOR A COUNTY THAT ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT FOR A MULTIJURISDICTIONAL COUNTY JAIL.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Many small counties cannot support the construction, maintenance, operation, and staffing of a county jail;

(b) The state does not provide funding for county jail operations to counties and imposes state-mandated requirements on county jails; and

(c) Counties have statutory authority to enter into intergovernmental agreements and to construct multijurisdictional jails.

(2) Therefore, the general assembly finds and declares that it is necessary to consolidate county jails to ensure detainees and prisoners from small counties have necessary resources.

SECTION 2. In Colorado Revised Statutes, **amend** 17-26-101 as follows:

17-26-101. Jail in each county. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, ~~there shall be~~ **IS** maintained in each county in this state, at the expense of the county, a county jail for the detention, safekeeping, and confinement of persons and prisoners lawfully committed. Nothing in this ~~article shall be construed to compel~~ **ARTICLE 26 COMPELS** the erection of jails in counties having a population

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.

of less than two thousand or when the county owns a jail erected in any other place in the county.

(2) A COUNTY THAT MAINTAINS AN INTERGOVERNMENTAL AGREEMENT OR ANY OTHER CONTRACT WITH AT LEAST ONE OTHER COUNTY FOR THE SAFEKEEPING OR CONFINEMENT OF PERSONS OR PRISONERS LAWFULLY COMMITTED IS NOT REQUIRED TO MAINTAIN A COUNTY JAIL WITHIN THE JURISDICTIONAL PHYSICAL BOUNDARIES OF SUCH COUNTY.

SECTION 3. 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: March 14, 2025