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D 2020 078

EXECUTIVE ORDER

Amending and Extending Portions of Executive Orders D 2020 016 and D 2020 043 Temporarily Suspending Certain Regulatory Statutes Concerning Criminal Justice

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and extending portions of Executive Orders D 2020 016 and D 2020 043 which temporarily suspend certain regulatory statutes concerning criminal justice due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and there is community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, and D 2020 058. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

We must take action to minimize the duration of this epidemic and of the disruption to our daily lives. The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. Public health experts recommend we practice "social distancing," or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19.

On March 25, 2020, I issued Executive Order D 2020 016, temporarily suspending certain regulatory statutes concerning criminal justice to provide the Colorado Department of Corrections (DOC) with the discretion necessary to combat the spread of COVID-19 in State prisons and protect our correctional officers and staff from infection. On April 23, 2020, I issued

Executive Order D 2020 043, which extended Executive Order D 2020 016 and added provisions regarding intensive supervision and community corrections programs.

Pursuant to Executive Orders D 2020 016 and D 2020 043, DOC has implemented various measures and operational changes aimed at preventing the spread of COVID-19. While certain measures may now expire, this Executive Order extends for an additional thirty (30) days the suspension of statutory provisions related to DOC's duty to receive and take custody of individuals and DOC's ability to utilize the Centennial south campus of the Centennial correctional facility for the housing of inmates of mixed classification. This will allow DOC to continue to manage its inmate intake process to prevent the introduction of inmates who may be symptomatic or asymptomatic with COVID-19 to DOC, in compliance with CDPHE and Centers for Disease Control and Prevention guidance.

II. Amendments

Executive Order D 2020 016, as amended by Executive Order D 2020 043, is amended as follows:

i. Sections II.A and II.E are extended for an additional thirty (30) days.

ii. Sections II.B, II.C, II.D, II.F, II.G, II.H, II.I, and II.J are deleted.

III. Duration

Executive Order D 2020 016, as amended by Executive Order D 2020 043 and this Executive Order, shall expire thirty (30) days from May 22, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 016, as amended by Executive Order D 2020 043, shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this twenty-second day of May, 2020.

Jared Polis
Governor