

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-0941.01 Michael Dohr x4347

HOUSE BILL 18-1409

HOUSE SPONSORSHIP

Lee and Herod,

SENATE SPONSORSHIP

Lundberg and Fields, Priola

House Committees

Judiciary
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COMMUNITY CRIME VICTIMS**
102 **GRANT PROGRAM, AND, IN CONNECTION THEREWITH, MAKING**
103 **AN APPROPRIATION.**

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>.)

The bill creates the community crime survivors grant program (grant program) in the department of public health and environment (department) to provide funding to eligible entities that provide support services to crime survivors and other interventions that are intended to reduce repeat victimization. The department shall administer the grant

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.

SENATE
2nd Reading Unamended
May 8, 2018

HOUSE
3rd Reading Unamended
May 1, 2018

HOUSE
Amended 2nd Reading
April 30, 2018

program in accordance with policies developed by the executive director of the department. The grant program is repealed, effective September 1, 2023. Before such repeal, the department of regulatory agencies shall perform a sunset review of the grant program.

The bill creates a presumption in favor of granting parole to a nonviolent offender who has reached his or her parole eligibility date and who is not disqualified from such presumption by any of several described conditions. The presumption may be overcome and an otherwise eligible inmate's parole may be denied only if, after consideration of the statutory release guidelines, a majority of the members of the state board of parole (board) find that an inmate presents a substantial risk to reoffend.

If the board finds an inmate's parole plan inadequate, it may delay the parole release decision and require the department of corrections to submit within 30 days a revised parole plan developed in conjunction with the inmate.

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

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

4 (a) Victimization, particularly from violent crime, is a recognized
5 public health problem. Unfortunately, victimization is rarely an isolated
6 experience, and people who have been victimized in the past have a
7 higher risk for future victimization.

8 (b) The impacts of victimization can extend significantly beyond
9 the immediate impact of the crime and have long-term negative effects on
10 a victim's physical and mental well-being, personal relationships,
11 productivity, earning potential, and life expectancy;

12 (c) Currently, most victims' services are offered or funded by
13 criminal justice or other administrative agencies. Although this model has
14 many benefits and is able to serve many crime victims, there remains
15 populations of crime victims who are hard to reach through the current
16 model or who are limited in their ability to access victims' services under

1 the current model.

2 (d) These limitations can result in gaps in support for crime
3 victims, particularly those victims who have been historically underserved
4 or who are unlikely to seek services under the current model, including
5 people of color, men, and young adults; and

6 (e) A community-based, public-health approach can supplement
7 the current model by broadening the reach of victims' services,
8 particularly in the area of prevention of repeat victimization.

9 (2) Now, therefore, the general assembly declares that:

10 (a) The purpose of this act is to create a five-year pilot program
11 to expand community-based support services for victims and other
12 interventions aimed at reducing repeat victimization;

13 (b) The model devised in this legislation is based on the successful
14 grant program enacted in House Bill 14-1355 to provide
15 community-based reentry services for people leaving prison;

16 (c) In 2018, the department of regulatory affairs submitted its
17 sunset review report and recommended reauthorization of the House Bill
18 14-1355 grant program. The reauthorization is being considered by the
19 general assembly as House Bill 18-1176.

20 (d) The community reentry grant program created in House Bill
21 14-1355, enacted in 2014, uses a third-party grant administrator because
22 this model helps engage smaller community and faith-based organizations
23 that are usually unable to access traditional grant money despite being
24 competent at serving their communities. The third-party grant
25 administrator provides grantees with infrastructure, including case
26 management, financial management, and data collection systems; helps
27 grantees develop policies and procedures to comply with grant

1 requirements; and offers ongoing technical assistance during the grant
2 period.

3 (e) This third-party grant administrator model has been proven to
4 be effective not only with regard to House Bill 14-1355 but also with
5 regard to federal grant programs that are aimed specifically at better
6 serving underserved communities, particularly communities of color.

7 **SECTION 2.** In Colorado Revised Statutes, **add** part 8 to article
8 20.5 of title 25 as follows:

9 PART 8

10 COMMUNITY CRIME VICTIMS GRANT PROGRAM

11 **25-20.5-801. Community crime victims grant program -**
12 **created.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS, ON AND AFTER
13 JULY 1, 2018, THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE
14 COMMUNITY CRIME VICTIMS GRANT PROGRAM, REFERRED TO IN THIS PART
15 8 AS THE "GRANT PROGRAM", TO PROVIDE FUNDING TO ELIGIBLE ENTITIES
16 THAT PROVIDE SUPPORT SERVICES TO CRIME VICTIMS, AS DEFINED IN
17 SECTION 24-4.1-302 (5), AND A VICTIM'S IMMEDIATE FAMILY, AS DEFINED
18 IN SECTION 24-4.1-302 (6), AND OTHER INTERVENTIONS THAT ARE
19 INTENDED TO REDUCE REPEAT VICTIMIZATION. THE DEPARTMENT SHALL
20 ADMINISTER THE GRANT PROGRAM IN ACCORDANCE WITH POLICIES
21 DEVELOPED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT PURSUANT
22 TO SUBSECTION (2) OF THIS SECTION.

23 (2) ON OR BEFORE JULY 1, 2018, THE EXECUTIVE DIRECTOR OF THE
24 DEPARTMENT SHALL DEVELOP POLICIES FOR THE ADMINISTRATION OF THE
25 GRANT PROGRAM, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

26 (a) A COMPETITIVE PROCESS FOR THE SELECTION OF A
27 THIRD-PARTY GRANT ADMINISTRATOR; ■

1 (b) THE CONTENT AND TIMING OF STATUS REPORTS PROVIDED BY
2 THE THIRD-PARTY GRANT ADMINISTRATOR TO THE DEPARTMENT; AND

3 (c) GRANT GUIDELINES AND ELIGIBILITY CRITERIA FOR APPLICANTS
4 INCLUDING CRITERIA THAT PRIORITIZE UNDERSERVED CRIME VICTIMS, AS
5 DEFINED IN SECTION 24-4.1-302 (5), AND A VICTIM'S IMMEDIATE FAMILY,
6 AS DEFINED IN SECTION 24-4.1-302 (6), INCLUDING PEOPLE OF COLOR,
7 YOUNG ADULTS, AND MEN.

8 (3) THE THIRD-PARTY GRANT ADMINISTRATOR MUST BE SELECTED
9 ON OR BEFORE SEPTEMBER 2, 2018, AND THE CONTRACT BETWEEN THE
10 DEPARTMENT AND THE THIRD-PARTY GRANT ADMINISTRATOR MUST BE
11 FINALIZED ON OR BEFORE JANUARY 1, 2019. THE THIRD-PARTY GRANT
12 ADMINISTRATOR MUST:

13 (a) BE A NONPROFIT ORGANIZATION IN GOOD STANDING WITH THE
14 SECRETARY OF STATE'S OFFICE;

15 (b) HAVE EXPERIENCE AS A THIRD-PARTY ADMINISTRATOR FOR A
16 STATE, MULTISTATE, OR FEDERAL GRANT PROGRAM;

17 (c) BE CAPABLE OF PROVIDING A UNIFIED CASE MANAGEMENT,
18 FINANCIAL, AND DATA COLLECTION SYSTEM RELATED TO SERVICES AND
19 PAYMENTS RECEIVED UNDER THE GRANT PROGRAM;

20 (d) BE CAPABLE OF PROVIDING TECHNICAL ASSISTANCE AND OTHER
21 ORGANIZATIONAL DEVELOPMENT TO GRANTEEES TO IMPROVE DELIVERY OF
22 SERVICES, FINANCIAL MANAGEMENT, OR DATA COLLECTION; AND

23 (e) HAVE EXPERIENCE AND COMPETENCY IN WORKING IN
24 UNDERSERVED COMMUNITIES, PARTICULARLY COMMUNITIES OF COLOR.

25 (4) IN AWARDING GRANTS FROM THE GRANT PROGRAM EACH
26 FISCAL YEAR, THE DEPARTMENT SHALL RELEASE AS MUCH AS
27 ONE-QUARTER OF THE AMOUNT ANNUALLY APPROPRIATED TO THE GRANT

1 PROGRAM TO THE THIRD-PARTY GRANT ADMINISTRATOR AT THE TIME THE
2 INITIAL CONTRACT IS EXECUTED AND AT THE BEGINNING OF EACH FISCAL
3 YEAR.

4 (5) ON OR BEFORE JANUARY 15, 2019, THE THIRD-PARTY GRANT
5 ADMINISTRATOR SHALL DEVELOP THE FOLLOWING, SUBJECT TO APPROVAL
6 BY THE DEPARTMENT:

7 [REDACTED]
8 (a) A COMPETITIVE REQUEST FOR PROPOSAL PROCESS AND
9 TIMELINE WHEREBY AN ELIGIBLE ENTITY MAY APPLY FOR A GRANT
10 CONSISTENT WITH THE POLICIES DEVELOPED BY THE DEPARTMENT.

11 (b) A PROCESS FOR DETERMINING THE AMOUNT OF EACH GRANT
12 THAT IS AWARDED; AND

13 (c) PERFORMANCE METRICS AND DATA COLLECTION TO BE
14 REQUIRED OF GRANTEEES.

15 (6) THE GRANT ADMINISTRATOR SHALL MAKE RECOMMENDATIONS
16 TO THE DEPARTMENT ON WHETHER TO AWARD OR DENY A GRANT AND
17 SHALL PROVIDE WRITTEN RATIONALE EACH GRANT CYCLE TO THE
18 DEPARTMENT. AFTER THE REVIEW OF THE RECOMMENDATIONS, THE
19 DEPARTMENT SHALL AWARD OR DENY A GRANT.

20 (7) PERMISSIBLE USES OF GRANT MONEY PROVIDED PURSUANT TO
21 THE GRANT PROGRAM INCLUDE DIRECT SERVICES TO CRIME VICTIMS, AS
22 DEFINED IN SECTION 24-4.1-302 (5), AND A VICTIM'S IMMEDIATE FAMILY,
23 AS DEFINED IN SECTION 24-4.1-302 (6), RESTORATIVE JUSTICE, AND OTHER
24 INTERVENTIONS INTENDED TO REDUCE REPEAT VICTIMIZATION.

25 (8) (a) TO BE ELIGIBLE TO RECEIVE A GRANT FROM THE GRANT
26 PROGRAM, AN ENTITY MUST BE:

27 (I) A NONPROFIT ORGANIZATION IN GOOD STANDING AND

1 REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE
2 COLORADO SECRETARY OF STATE'S OFFICE;

3 (II) A SCHOOL;

4 (III) A TRIBAL AGENCY OR PROGRAM; OR

5 (IV) A PROFESSIONAL WHO IS REGULATED BY THE DEPARTMENT OF
6 REGULATORY AGENCIES.

7 (b) A GRANTEE MAY NOT DECLINE TO SERVE A VICTIM BASED
8 UPON:

9 (I) WHETHER THE VICTIM REPORTED THE CRIME TO LAW
10 ENFORCEMENT OR COOPERATED IN ANY PROSECUTION;

11 (II) THE LENGTH OF TIME THAT HAS ELAPSED SINCE THE
12 VICTIMIZATION; OR

13 (III) THE LOCATION OF THE VICTIMIZATION.

14 (c) A GRANT APPLICANT SHALL DEMONSTRATE THAT IT HAS OR
15 WILL HAVE A SCREENING TOOL OR SCREENING PROCESS IN PLACE SO THAT
16 A CREDIBLE DETERMINATION CAN BE MADE THAT THE PERSON SEEKING
17 SERVICES HAS BEEN A VICTIM OF CRIME, AS DEFINED IN SECTION
18 24-4.1-302 (5).

19 **25-20.5-802. Repeal of part - sunset review.** THIS PART 8 IS
20 REPEALED, EFFECTIVE SEPTEMBER 1, 2023. BEFORE ITS REPEAL, THE
21 DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE GRANT
22 PROGRAM IN ACCORDANCE WITH SECTION 24-34-104.

23 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**
24 (24)(a)(V) as follows:

25 **24-34-104. General assembly review of regulatory agencies**
26 **and functions for repeal, continuation, or reestablishment - legislative**
27 **declaration - repeal.** (24) (a) The following agencies, functions, or both,

1 are scheduled for repeal on September 1, 2023:

2 (V) THE COMMUNITY CRIME VICTIMS GRANT PROGRAM CREATED
3 IN SECTION 25-20.5-801;

4 [REDACTED]

5 **SECTION 4.** In Colorado Revised Statutes, 24-32-120, **repeal** (5)
6 as follows:

7 **24-32-120. Justice reinvestment crime prevention initiative -**
8 **program - rules - reports - repeal.** (5) (a) ~~The parole savings fund,~~
9 ~~referred to in this subsection (5) as the "fund", is hereby created in the~~
10 ~~state treasury. The fund consists of money generated by savings created~~
11 ~~in enacting House Bill 17-1326 and appropriated to the fund by the~~
12 ~~general assembly.~~

13 (b) ~~The state treasurer shall credit all interest and income derived~~
14 ~~from the deposit and investment of money in the fund to the fund.~~

15 (c) ~~The state treasurer shall transfer any unexpended and~~
16 ~~unencumbered money remaining in the fund at the end of a fiscal year to~~
17 ~~the general fund.~~

18 (d) ~~Subject to annual appropriation by the general assembly, the~~
19 ~~division of local government may expend money from the fund to provide~~
20 ~~small business lending and grants aimed at reducing crime and promoting~~
21 ~~community development in the target communities of north Aurora and~~
22 ~~southeast Colorado Springs.~~

23 (e) ~~Subject to annual appropriation by the general assembly, the~~
24 ~~department of corrections may expend money from the fund for external~~
25 ~~capacity if the anticipated reduction in the use of private prison beds from~~
26 ~~the parole changes enacted in House Bill 17-1326 are not achieved.~~

27 **SECTION 5. Appropriation to the department of corrections**

1 **for the fiscal year beginning July 1, 2017.** In Session Laws of Colorado
2 2017, section 8 of chapter 394, (HB 17-1326), **amend** the introductory
3 portion to (4); and **repeal** (4)(d) as follows:

4 **Section 8. Appropriation - adjustments to 2017 long bill. (4)**
5 For the 2017-18 state fiscal year, ~~\$5,865,182~~ \$4,104,042 is appropriated
6 to the department of local affairs. This appropriation is from the general
7 fund. To implement this act, the department may use this appropriation
8 as follows:

9 ~~(d) \$1,761,140 to the parole savings fund created in section~~
10 ~~24-32-120 (5);~~

11 **SECTION 6. Appropriation.** For the 2018-19 state fiscal year,
12 \$880,570 is appropriated to the department of public health and
13 environment for use by the prevention services division. This
14 appropriation is from the general fund. To implement this act, the division
15 may use this appropriation for the community crime victims grant
16 program.

17 **SECTION 7. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.