

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COMMUNITY CRIME SURVIVORS**

102 **GRANT PROGRAM AND MAKING 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 program in accordance with policies developed by the executive director

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.

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 The grant program is repealed, effective September 1, 2023.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
17 the current model.

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

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

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

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

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

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

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

1 period.

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

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

8 PART 8

9 COMMUNITY CRIME SURVIVORS GRANT PROGRAM

10 **25-20.5-801. Community crime survivors grant program -**
11 **created.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS, ON AND AFTER
12 JULY 1, 2018, THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE
13 COMMUNITY CRIME SURVIVORS GRANT PROGRAM, REFERRED TO IN THIS
14 PART 8 AS THE "GRANT PROGRAM", TO PROVIDE FUNDING TO ELIGIBLE
15 ENTITIES THAT PROVIDE SUPPORT SERVICES TO CRIME SURVIVORS AND
16 OTHER INTERVENTIONS THAT ARE INTENDED TO REDUCE REPEAT
17 VICTIMIZATION. THE DEPARTMENT SHALL ADMINISTER THE GRANT
18 PROGRAM IN ACCORDANCE WITH POLICIES DEVELOPED BY THE EXECUTIVE
19 DIRECTOR OF THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS
20 SECTION.

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

24 (a) A COMPETITIVE PROCESS FOR THE SELECTION OF A
25 THIRD-PARTY GRANT ADMINISTRATOR; AND

26 (b) THE CONTENT AND TIMING OF STATUS REPORTS PROVIDED BY
27 THE THIRD-PARTY GRANT ADMINISTRATOR TO THE DEPARTMENT.

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

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

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

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

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

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

18 (4) IN AWARDING GRANTS FROM THE GRANT PROGRAM EACH
19 FISCAL YEAR, THE DEPARTMENT SHALL RELEASE AS MUCH AS
20 ONE-QUARTER OF THE AMOUNT ANNUALLY APPROPRIATED TO THE GRANT
21 PROGRAM TO THE THIRD-PARTY GRANT ADMINISTRATOR AT THE TIME THE
22 INITIAL CONTRACT IS EXECUTED AND AT THE BEGINNING OF EACH FISCAL
23 YEAR.

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

27 (a) GRANT GUIDELINES AND ELIGIBILITY CRITERIA FOR

1 APPLICANTS, INCLUDING CRITERIA THAT PRIORITIZE UNDERSERVED CRIME
2 SURVIVORS. INCLUDING PEOPLE OF COLOR, YOUNG ADULTS, AND MEN;

3 (b) A PROCESS AND TIMELINE WHEREBY AN ELIGIBLE ENTITY MAY
4 APPLY FOR A GRANT;

5 (c) A PROCESS FOR DETERMINING THE AMOUNT OF EACH GRANT
6 THAT IS AWARDED; AND

7 (d) PERFORMANCE METRICS AND DATA COLLECTION TO BE
8 REQUIRED OF GRANTEEES.

9 (6) THE GRANT ADMINISTRATOR SHALL MAKE RECOMMENDATIONS
10 TO THE DEPARTMENT ON WHETHER TO AWARD OR DENY A GRANT AND
11 SHALL PROVIDE WRITTEN RATIONALE EACH GRANT CYCLE TO THE
12 DEPARTMENT. AFTER THE REVIEW OF THE RECOMMENDATIONS, THE
13 DEPARTMENT SHALL AWARD OR DENY A GRANT.

14 (7) PERMISSIBLE USES OF GRANT MONEY PROVIDED PURSUANT TO
15 THE GRANT PROGRAM INCLUDE DIRECT SERVICES TO CRIME SURVIVORS,
16 RESTORATIVE JUSTICE, AND OTHER INTERVENTIONS INTENDED TO REDUCE
17 REPEAT VICTIMIZATION.

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

20 (I) A NONPROFIT ORGANIZATION IN GOOD STANDING AND
21 REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE
22 COLORADO SECRETARY OF STATE'S OFFICE;

23 (II) A SCHOOL;

24 (III) A TRIBAL AGENCY OR PROGRAM; OR

25 (IV) A PROFESSIONAL WHO IS REGULATED BY THE DEPARTMENT OF
26 REGULATORY AGENCIES.

27 (b) A GRANTEE MAY NOT DECLINE TO SERVE A VICTIM BASED

1 UPON:

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

4 (II) THE LENGTH OF TIME THAT HAS ELAPSED SINCE THE
5 VICTIMIZATION; OR

6 (III) THE LOCATION OF THE VICTIMIZATION.

7 **25-20.5-802. Repeal of part - sunset review.** THIS PART 8 IS
8 REPEALED, EFFECTIVE SEPTEMBER 1, 2023. BEFORE ITS REPEAL, THE
9 DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE GRANT
10 PROGRAM IN ACCORDANCE WITH SECTION 24-34-104.

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

13 **24-34-104. General assembly review of regulatory agencies**
14 **and functions for repeal, continuation, or reestablishment - legislative**
15 **declaration - repeal.** (24) (a) The following agencies, functions, or both,
16 are scheduled for repeal on September 1, 2023:

17 (V) THE COMMUNITY CRIME SURVIVORS GRANT PROGRAM
18 CREATED IN SECTION 25-20.5-801;

19 ■ ■ ■

20 **SECTION 4.** In Colorado Revised Statutes, 24-32-120, **amend**
21 **(5)(c)** as follows:

22 **24-32-120. Justice reinvestment crime prevention initiative -**
23 **program - rules - reports - repeal.** (5) (c) ~~The state treasurer shall~~
24 ~~transfer any unexpended and unencumbered money remaining in the fund~~
25 ~~at the end of a fiscal year to the general fund~~ NOTWITHSTANDING THE
26 PROVISIONS OF SUBSECTIONS (5)(d) AND (5)(e) OF THIS SECTION AND
27 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MAY EXPEND MONEY
2 FROM THE FUND TO IMPLEMENT HOUSE BILL 18-1409, ENACTED IN 2018.
3 ANY UNEXPENDED AND UNENCUMBERED MONEY FROM AN APPROPRIATION
4 MADE PURSUANT TO THIS SUBSECTION (5)(c) REMAINS AVAILABLE FOR
5 EXPENDITURE BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
6 IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

7 **SECTION 5. Appropriation.** For the 2018-19 state fiscal year,
8 \$1,761,140 is appropriated to the department of public health and
9 environment. This appropriation is from the parole savings fund created
10 in section 24-32-120, C.R.S., and is based on an assumption that the
11 department will require an additional 0.5 FTE. To implement this act, the
12 department may use this appropriation for funding to eligible entities that
13 provide support services to crime survivors and other interventions that
14 are intended to reduce repeat victimization. Any money appropriated in
15 this section not expended prior to July 1, 2019, is further appropriated to
16 the department of public health and environment for 2019-20 state fiscal
17 year for the same purpose.

18 **SECTION 6. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.