

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0253.01 Megan Waples x4348

HOUSE BILL 19-1073

HOUSE SPONSORSHIP

Benavidez,

SENATE SPONSORSHIP

Fields,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE LAW ENFORCEMENT, PUBLIC
102 SAFETY, AND CRIMINAL JUSTICE INFORMATION SHARING GRANT
103 PROGRAM.

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 law enforcement, public safety, and criminal justice information sharing grant program (grant program) within the division of homeland security and emergency management (division) in the department of public safety. The grant program provides grants to assist local law enforcement agencies in gaining access to the

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.

information-sharing system created by the Colorado information sharing consortium (CISC). Grant recipients can use the money to pay for computer hardware, software, and programming costs necessary to connect to CISC's information-sharing systems. As a condition of each grant, the grant recipient and CISC are required to ensure that the information systems comply with federal data security requirements, and that the law enforcement data and intelligence information that is shared complies with federal regulations governing the use of criminal justice information systems. The director of the division is required to promulgate rules for the administration of the grant program.

The bill creates the law enforcement, public safety, and criminal justice information sharing grant program fund, and directs the general assembly to appropriate \$1.9 million to the fund from the marijuana tax cash fund for the 2019-20 fiscal year.

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

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

4 (a) Colorado's law enforcement personnel operate at an
5 information disadvantage that diminishes their safety and increases the
6 likelihood that community members will be mistakenly engaged;

7 (b) Law enforcement personnel interact daily with a wide variety
8 of people, from law-abiding citizens to frequent offenders to individuals
9 suffering from mental health challenges, sometimes without complete or
10 adequate information to determine who presents a risk, who does not
11 present a risk, and who needs mental health services;

12 (c) Law enforcement's information disadvantage can erode public
13 trust when incomplete information leads to inappropriate policing actions.
14 For example, a lack of information can result in an unnecessarily large
15 volume of contacts during an investigation. In addition, a lack of
16 information can lead to misinformation that spawns inaccurate "be on the
17 lookout" notices.

1 (d) This information disadvantage presents issues for law
2 enforcement personnel who are entrusted to uphold public safety while
3 protecting the individual liberties of all people and providing innovative
4 co-responder service models to individuals with mental health challenges;

5 (e) A major contributing factor to this lack of information is that
6 each law enforcement agency often has its own independent
7 records-management systems and cannot efficiently and digitally share
8 information between agencies;

9 (f) In an effort to address this information disparity, more than
10 forty-five of Colorado's largest and busiest law enforcement agencies
11 came together to create the Colorado information sharing consortium
12 (CISC) in 2014 through an intergovernmental agreement;

13 (g) The CISC acts as a facilitator between Colorado law
14 enforcement agencies, providing a means for secure and efficient data
15 sharing. The CISC is governed by a member-elected board of directors,
16 including sheriffs and police chiefs, and has signed up sixty-eight of the
17 three hundred and thirty-three agencies that can employ certified peace
18 officers in Colorado.

19 (h) Information-sharing systems are most effective when they are
20 widely used by state and local law enforcement agencies across the state,
21 creating a robust platform for sharing needed data and information. The
22 more local law enforcement agencies that participate in CISC, the greater
23 the benefit to all of its members and to the public.

24 (2) Therefore, the general assembly declares that it is necessary to
25 create a grant program to provide rural and cash-strapped local law
26 enforcement agencies with one-time grants to allow them join the CISC
27 information-sharing system.

1 **SECTION 2.** In Colorado Revised Statutes, **add 24-33.5-1617** as
2 follows:

3 **24-33.5-1617. Law enforcement, public safety, and criminal**
4 **justice information sharing grant program - rules - fund created -**
5 **definitions - repeal.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS
6 THE CONTEXT OTHERWISE REQUIRES:

7 (a) "CISC" MEANS THE COLORADO INFORMATION SHARING
8 CONSORTIUM CREATED THROUGH AN INTERGOVERNMENTAL AGREEMENT
9 EFFECTIVE APRIL 7, 2014, IN ACCORDANCE WITH SECTION 29-1-203, OR ITS
10 SUCCESSOR ORGANIZATION.

11 (b) "FUND" MEANS THE LAW ENFORCEMENT, PUBLIC SAFETY, AND
12 CRIMINAL JUSTICE INFORMATION SHARING GRANT PROGRAM FUND
13 CREATED IN SUBSECTION (5) OF THIS SECTION.

14 (c) "GRANT PROGRAM" MEANS THE LAW ENFORCEMENT, PUBLIC
15 SAFETY, AND CRIMINAL JUSTICE INFORMATION SHARING GRANT PROGRAM
16 CREATED IN SUBSECTION (2) OF THIS SECTION.

17 (d) "INTELLIGENCE INFORMATION" MEANS EVALUATED DATA
18 RELEVANT TO THE IDENTIFICATION OF CRIMINAL ACTIVITY ENGAGED IN BY
19 AN INDIVIDUAL OR ORGANIZATION REASONABLY SUSPECTED OF
20 INVOLVEMENT IN CRIMINAL ACTIVITY THAT MEETS CRIMINAL
21 INTELLIGENCE SYSTEM SUBMISSION CRITERIA AS SET FORTH IN PART 23 OF
22 TITLE 28 OF THE CODE OF FEDERAL REGULATIONS.

23 (e) "LAW ENFORCEMENT DATA" MEANS FACTS, DETAILED
24 INFORMATION, POLICE REPORT NARRATIVES, SUPPLEMENTAL POLICE
25 REPORT NARRATIVES, AND OTHER TEXT-RELATED INFORMATION RELATED
26 TO LAW ENFORCEMENT ACTIVITIES.

27 (f) "LOCAL LAW ENFORCEMENT AGENCY" MEANS A COUNTY

1 SHERIFF'S OFFICE, A MUNICIPAL POLICE DEPARTMENT, OR A TOWN
2 MARSHAL'S OFFICE.

3 (2) **Program created - rules.** (a) THERE IS HEREBY CREATED IN
4 THE DIVISION THE LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
5 JUSTICE INFORMATION SHARING GRANT PROGRAM TO PROVIDE GRANTS TO
6 ASSIST LOCAL LAW ENFORCEMENT AGENCIES IN GAINING ACCESS TO
7 CISC'S INFORMATION-SHARING SYSTEMS.

8 (b) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
9 THE GRANT PROGRAM TO PAY FOR COSTS ASSOCIATED WITH CONNECTING
10 TO CISC'S INFORMATION-SHARING SYSTEMS, INCLUDING COMPUTER
11 HARDWARE, SOFTWARE, OR PROGRAMMING COSTS THAT ARE NECESSARY
12 TO ALLOW THE RECIPIENT TO SHARE LAW ENFORCEMENT DATA AND
13 INTELLIGENCE INFORMATION THROUGH CISC.

14 (c) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM, AND,
15 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
16 PROVIDED IN THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS,
17 GRANTS SHALL BE PAID OUT OF THE FUND CREATED IN SUBSECTION (5) OF
18 THIS SECTION.

19 (d) NOT LATER THAN NINE MONTHS AFTER THE EFFECTIVE DATE OF
20 THIS SECTION, THE DIRECTOR SHALL PROMULGATE SUCH RULES AS MAY BE
21 NECESSARY TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE
22 RULES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS, THE
23 FORM OF THE GRANT PROGRAM APPLICATION, THE CRITERIA FOR
24 EVALUATING THE FINANCIAL NEED OF GRANT APPLICANTS, THE TIME
25 FRAMES FOR DISTRIBUTING GRANT MONEY, AND REQUIREMENTS FOR
26 REPORTS FROM GRANT RECIPIENTS.

27 (e) NOT LATER THAN NINE MONTHS AFTER THE EFFECTIVE DATE OF

1 THIS SECTION, THE DIVISION SHALL BEGIN ACCEPTING APPLICATIONS IN
2 ACCORDANCE WITH THE RULES PROMULGATED IN ACCORDANCE WITH
3 SUBSECTION (2)(d) OF THIS SECTION.

4 (3) **Application - criteria - awards.** (a) TO RECEIVE A GRANT, A
5 LOCAL LAW ENFORCEMENT AGENCY SHALL SUBMIT AN APPLICATION TO
6 THE DIVISION IN ACCORDANCE WITH RULES PROMULGATED IN
7 ACCORDANCE WITH SUBSECTION (2)(d) OF THIS SECTION.

8 (b) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED IN
9 ACCORDANCE WITH THIS SECTION. IN AWARDING THE GRANTS, THE
10 DIVISION SHALL CONSIDER THE FOLLOWING CRITERIA:

11 (I) THE FINANCIAL NEED OF THE APPLICANT, AS DETERMINED IN
12 ACCORDANCE WITH THE RULES PROMULGATED IN ACCORDANCE WITH
13 SUBSECTION (2)(d) OF THIS SECTION;

14 (II) THE APPLICANT'S COMMITMENT TO SHARE ALL ACCESSIBLE
15 AND RELEVANT LAW ENFORCEMENT AND INTELLIGENCE INFORMATION IN
16 THE APPLICANT'S CUSTODY; AND

17 (III) THE APPLICANT'S COMMITMENT TO ASSUME FISCAL
18 RESPONSIBILITY FOR THE ONGOING ANNUAL COSTS OF MAINTAINING DATA
19 SHARING THROUGH CISC AFTER THE GRANT MONEY IS NO LONGER
20 AVAILABLE.

21 (c) AS A CONDITION OF EACH GRANT AWARDED UNDER THIS
22 SECTION, THE GRANT RECIPIENT AND CISC SHALL COMPLY WITH THE
23 FOLLOWING REQUIREMENTS FOR AS LONG AS THE GRANT RECIPIENT
24 PARTICIPATES IN INFORMATION SHARING THROUGH CISC:

25 (I) EACH GRANT RECIPIENT REMAINS THE CUSTODIAN OF THE LAW
26 ENFORCEMENT DATA AND INTELLIGENCE INFORMATION THAT IT SHARES
27 THROUGH THE CISC INFORMATION-SHARING SYSTEM FOR THE PURPOSES

1 OF PARTS 2 AND 3 OF ARTICLE 72 OF THIS TITLE 24;

2 (II) IF CISC RECEIVES A REQUEST FOR RECORDS PURSUANT TO
3 PART 2 OR PART 3 OF ARTICLE 72 OF THIS TITLE 24, IT SHALL NOT PROVIDE
4 THE RECORDS AND SHALL REFER THE REQUESTER TO THE APPROPRIATE
5 CUSTODIAN OF RECORDS;

6 (III) CISC AND EACH GRANT RECIPIENT SHALL ENSURE THAT THE
7 INFORMATION-SHARING SYSTEMS COMPLY WITH THE CURRENT FEDERAL
8 BUREAU OF INVESTIGATION CRIMINAL JUSTICE INFORMATION SERVICES
9 SECURITY POLICY, IN ORDER TO ENSURE THE SECURITY OF THE LAW
10 ENFORCEMENT DATA AND INTELLIGENCE INFORMATION SHARED BY LAW
11 ENFORCEMENT AGENCIES;

12 (IV) CISC AND EACH GRANT RECIPIENT ARE PROHIBITED FROM
13 SELLING ANY DATA OR INFORMATION SHARED THROUGH CISC'S
14 INFORMATION-SHARING SYSTEM;

15 (V) CISC AND EACH GRANT RECIPIENT SHALL COMPLY WITH THE
16 REQUIREMENTS OF 28 CFR 23, AS AMENDED;

17 (VI) EACH GRANT RECIPIENT SHALL NOT SHARE AND MAINTAIN
18 CRIMINAL INTELLIGENCE INFORMATION CONCERNING AN INDIVIDUAL
19 UNLESS THERE IS REASONABLE SUSPICION THAT THE INDIVIDUAL IS
20 INVOLVED IN CRIMINAL CONDUCT OR ACTIVITY AND THE INFORMATION IS
21 RELEVANT TO THAT CRIMINAL CONDUCT OR ACTIVITY;

22 (VII) CISC AND EACH GRANT RECIPIENT SHALL NOT COLLECT OR
23 MAINTAIN CRIMINAL INTELLIGENCE INFORMATION ABOUT THE POLITICAL,
24 RELIGIOUS, OR SOCIAL VIEWS, ASSOCIATIONS, OR ACTIVITIES OF ANY
25 INDIVIDUAL OR ANY GROUP, ASSOCIATION, CORPORATION, BUSINESS,
26 PARTNERSHIP, OR OTHER ORGANIZATION UNLESS SUCH INFORMATION
27 DIRECTLY RELATES TO CRIMINAL CONDUCT OR ACTIVITY AND THERE IS

1 REASONABLE SUSPICION THAT THE SUBJECT OF THE INFORMATION IS OR
2 MAY BE INVOLVED IN CRIMINAL CONDUCT OR ACTIVITY;

3 (VIII) REASONABLE SUSPICION OR CRIMINAL PREDICATE IS
4 ESTABLISHED WHEN INFORMATION EXISTS THAT ESTABLISHES SUFFICIENT
5 FACTS TO GIVE A TRAINED LAW ENFORCEMENT OR CRIMINAL
6 INVESTIGATIVE AGENCY OFFICER, INVESTIGATOR, OR EMPLOYEE A BASIS
7 TO BELIEVE THAT THERE IS A REASONABLE POSSIBILITY THAT AN
8 INDIVIDUAL OR ORGANIZATION IS INVOLVED IN A DEFINABLE CRIMINAL
9 ACTIVITY OR ENTERPRISE. EACH GRANT RECIPIENT IS RESPONSIBLE FOR
10 ESTABLISHING THE EXISTENCE OF REASONABLE SUSPICION OF CRIMINAL
11 ACTIVITY EITHER THROUGH EXAMINATION OF SUPPORTING INFORMATION
12 SUBMITTED BY A PARTICIPATING AGENCY OR BY DELEGATION OF THIS
13 RESPONSIBILITY TO A PROPERLY TRAINED PARTICIPATING AGENCY, WHICH
14 IS SUBJECT TO ROUTINE INSPECTION AND AUDIT PROCEDURES ESTABLISHED
15 BY CISC OR THE GRANT RECIPIENT.

16 (IX) EACH GRANT RECIPIENT SHALL NOT SHARE OR MAINTAIN
17 INFORMATION THAT HAS BEEN OBTAINED IN VIOLATION OF ANY
18 APPLICABLE FEDERAL, STATE, OR LOCAL LAW OR ORDINANCE. EACH
19 GRANT RECIPIENT IS RESPONSIBLE FOR ESTABLISHING THAT NO
20 INFORMATION IS ENTERED IN VIOLATION OF FEDERAL, STATE, OR LOCAL
21 LAWS, EITHER THROUGH EXAMINATION OF SUPPORTING INFORMATION
22 SUBMITTED BY A PARTICIPATING AGENCY OR BY DELEGATION OF THIS
23 RESPONSIBILITY TO A PROPERLY TRAINED PARTICIPATING AGENCY, WHICH
24 IS SUBJECT TO ROUTINE INSPECTION AND AUDIT PROCEDURES ESTABLISHED
25 BY CISC OR THE GRANT RECIPIENT.

26 (X) CISC AND EACH GRANT RECIPIENT SHALL NOT SHARE
27 CRIMINAL INTELLIGENCE INFORMATION EXCEPT WHERE THERE IS A NEED

1 TO KNOW AND A RIGHT TO KNOW THE INFORMATION IN THE PERFORMANCE
2 OF A LAW ENFORCEMENT ACTIVITY; AND

3 (XI) CISC AND EACH GRANT RECIPIENT SHALL NOT DISSEMINATE
4 CRIMINAL INTELLIGENCE INFORMATION EXCEPT TO LAW ENFORCEMENT
5 AUTHORITIES WHO AGREE TO FOLLOW PROCEDURES REGARDING
6 INFORMATION RECEIPT, MAINTENANCE, SECURITY, AND DISSEMINATION
7 THAT ARE CONSISTENT WITH THESE PRINCIPLES; EXCEPT THAT THIS
8 SUBSECTION (3)(c)(XI) DOES NOT LIMIT THE DISSEMINATION OF AN
9 ASSESSMENT OF CRIMINAL INTELLIGENCE INFORMATION TO A
10 GOVERNMENT OFFICIAL OR TO ANY OTHER INDIVIDUAL WHEN NECESSARY
11 TO AVOID IMMINENT DANGER TO LIFE OR PROPERTY.

12 (d) ANY EMPLOYEE OF THE DEPARTMENT WHO IS AFFILIATED IN
13 ANY WAY WITH A GRANT APPLICANT IS PROHIBITED FROM PARTICIPATING
14 IN THE ADMINISTRATION OF THE GRANT PROGRAM, INCLUDING THE
15 EVALUATION OF GRANT APPLICATIONS AND THE AWARDING OF GRANTS.

16 (e) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIVISION SHALL
17 AWARD GRANTS AS PROVIDED IN THIS SECTION. THE DIVISION SHALL
18 ANNOUNCE GRANT AWARDS ON ITS WEBSITE WITHIN FIVE BUSINESS DAYS
19 AFTER MAKING THE AWARDS. THE DIVISION SHALL DISTRIBUTE THE GRANT
20 MONEY WITHIN THIRTY DAYS AFTER AWARDING THE GRANTS.

21 (4) **Reporting requirements.** EACH GRANTEE SHALL SUBMIT A
22 REPORT TO THE DIVISION ON OR BEFORE MARCH 1 OF EACH YEAR IN WHICH
23 IT RECEIVES OR EXPENDS GRANT MONEY. THE REPORT MUST COMPLY WITH
24 THE RULES PROMULGATED IN ACCORDANCE WITH SUBSECTION (2)(d) OF
25 THIS SECTION.

26 (5) **Law enforcement, public safety, and criminal justice**
27 **information sharing grant program fund.** (a) THE LAW ENFORCEMENT,

1 PUBLIC SAFETY, AND CRIMINAL JUSTICE INFORMATION SHARING GRANT
2 PROGRAM FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND
3 CONSISTS OF MONEY APPROPRIATED TO THE FUND PURSUANT TO
4 SUBSECTION (6) OF THIS SECTION AND ANY OTHER MONEY THAT THE
5 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

6 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
7 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
8 FUND TO THE FUND.

9 (c) EXCEPT AS PROVIDED IN SUBSECTION (5)(d) OF THIS SECTION,
10 ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND
11 AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND IS NOT CREDITED
12 TO THE GENERAL FUND.

13 (d) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
14 AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2022, TO THE
15 GENERAL FUND.

16 (e) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
17 ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE FUND FOR THE
18 PURPOSE OF AWARING GRANTS IN ACCORDANCE WITH THIS SECTION. THE
19 DIVISION MAY USE UP TO FIVE PERCENT OF THE MONEY ANNUALLY
20 APPROPRIATED TO THE FUND TO PAY FOR THE DIRECT AND INDIRECT COSTS
21 THAT THE DIVISION INCURS TO ADMINISTER THE GRANT PROGRAM.

22 (6) **Funding for grant program.** FOR THE 2019-20 FISCAL YEAR,
23 THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE MILLION NINE
24 HUNDRED THOUSAND DOLLARS TO THE FUND FROM THE MARIJUANA TAX
25 CASH FUND CREATED IN SECTION 39-28.8-501.

26 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2022.

27 **SECTION 3.** In Colorado Revised Statutes, 39-28.8-501, **amend**

1 (2)(b)(IV)(N) and (2)(b)(IV)(O); and **add** (2)(b)(IV)(P) as follows:

2 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
3 **- legislative declaration - repeal.** (2) (b) (IV) Subject to the limitation
4 in subsection (5) of this section, the general assembly may annually
5 appropriate any money in the fund for any fiscal year following the fiscal
6 year in which it was received by the state for the following purposes:

7 (N) For housing, rental assistance, and supportive services,
8 including reentry services, pursuant to section 24-32-721; ~~and~~

9 (O) For the development of local dually identified crossover youth
10 plans and services as described in section 19-2-211 (2); AND

11 (P) TO FUND THE LAW ENFORCEMENT, PUBLIC SAFETY, AND
12 CRIMINAL JUSTICE INFORMATION SHARING GRANT PROGRAM CREATED IN
13 SECTION 24-33.5-1617 FOR THE 2019-20 FISCAL YEAR. THIS SUBSECTION
14 (2)(b)(IV)(P) IS REPEALED, EFFECTIVE JULY 1, 2020.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.