

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 19-0253.01 Megan Waples x4348

**HOUSE BILL 19-1073**

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**HOUSE SPONSORSHIP**

**Benavidez,**

**SENATE SPONSORSHIP**

**Fields,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.

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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 **JULY 30** 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 FIVE HUNDRED THOUSAND  
24 DOLLARS TO THE FUND FROM THE MARIJUANA TAX CASH FUND CREATED  
25 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. Appropriation.** (1) For the 2019-20 state fiscal  
16 year, \$500,000 is appropriated to the law enforcement, public safety, and  
17 criminal justice information sharing grant program fund created in section  
18 24-33.5-1617 (5)(a), C.R.S. This appropriation is from the marijuana tax  
19 cash fund created in section 39-28.8-501 (1), C.R.S. The department of  
20 public safety is responsible for the accounting related to this  
21 appropriation.

22 (2) For the 2019-20 state fiscal year, \$479,947 is appropriated to  
23 the department of public safety for use by the office of preparedness. This  
24 appropriation is from reappropriated funds in the law enforcement, public  
25 safety, and criminal justice information sharing grant program fund under  
26 subsection (1) of this section and is based on an assumption that the office  
27 will require an additional 0.7 FTE. To implement this act, the office may

1 use the appropriation for program administration.

2           **SECTION 5. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, and safety.