

CHAPTER 275

CRIMINAL LAW AND PROCEDURE

SENATE BILL 19-008

BY SENATOR(S) Priola and Pettersen, Bridges, Court, Fenberg, Foote, Ginal, Gonzales, Lee, Moreno, Rodriguez, Story, Tate, Todd, Williams A., Winter, Garcia;
also REPRESENTATIVE(S) Kennedy and Singer, Arndt, Bird, Buckner, Buentello, Esgar, Exum, Galindo, Gonzales-Gutierrez, Herod, Hooton, Kipp, Lontine, Michaelson Jenet, Roberts, Sirota, Titone, Valdez A., Weissman.

AN ACT

CONCERNING TREATMENT OF INDIVIDUALS WITH SUBSTANCE USE DISORDERS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 16-11.3-103, **add** (2)(h) as follows:

16-11.3-103. Duties of the commission - mission - staffing - report - definition - repeal. (2) The commission has the following duties:

(h) (I) TO STUDY AND MAKE RECOMMENDATIONS ON THE FOLLOWING ISSUES CONCERNING INDIVIDUALS WITH SUBSTANCE USE DISORDERS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM:

(A) ALTERNATIVES TO FILING CRIMINAL CHARGES AGAINST INDIVIDUALS WITH SUBSTANCE USE DISORDERS WHO HAVE BEEN ARRESTED FOR DRUG-RELATED OFFENSES;

(B) BEST PRACTICES FOR INVESTIGATING UNLAWFUL OPIOID DISTRIBUTION IN COLORADO, INCLUDING THE POTENTIAL CREATION OF BLACK MARKET OPIOID INVESTIGATORY ENTITIES AT THE STATE AND LOCAL LEVELS; AND

(C) A PROCESS FOR AUTOMATICALLY SEALING CRIMINAL RECORDS OF CONVICTIONS FOR DRUG OFFENSES.

(II) ON OR BEFORE JULY 1, 2020, THE COMMISSION SHALL PROVIDE A REPORT

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

WITH ITS FINDINGS AND RECOMMENDATIONS MADE PURSUANT TO THIS SUBSECTION (2)(h) TO THE JUDICIARY AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE JUDICIARY AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(III) THIS SUBSECTION (2)(h) IS REPEALED, EFFECTIVE JUNE 30, 2021.

SECTION 2. In Colorado Revised Statutes, 17-1-113.8, **add** (3) as follows:

17-1-113.8. Persons with serious behavioral or mental health disorders - long-term isolated confinement - work group - medication-assisted treatment.

(3) (a) THE DEPARTMENT SHALL ALLOW MEDICATION-ASSISTED TREATMENT, AS IT IS DEFINED IN SECTION 23-21-803, TO BE PROVIDED TO INDIVIDUALS WHO ARE PLACED IN THE CUSTODY OF THE DEPARTMENT WHO WERE RECEIVING SUCH TREATMENT IN A LOCAL JAIL PRIOR TO BEING PLACED IN THE CUSTODY OF THE DEPARTMENT.

(b) THE DEPARTMENT MAY ENTER INTO AGREEMENTS WITH COMMUNITY AGENCIES, BEHAVIORAL HEALTH ORGANIZATIONS, AND SUBSTANCE USE DISORDER TREATMENT ORGANIZATIONS TO ASSIST IN THE DEVELOPMENT AND ADMINISTRATION OF MEDICATION-ASSISTED TREATMENT PURSUANT TO THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 18-18.5-101, **amend** (3)(b) as follows:

18-18.5-101. Legislative declaration. (3) The general assembly, therefore, determines and declares that it is necessary to change the state methamphetamine task force into a substance abuse trend and response task force to:

(b) Formulate a response to current and emerging substance ~~abuse~~ USE DISORDER problems from the criminal justice, prevention, and treatment sectors, INCLUDING THE USE OF DROP-OFF TREATMENT SERVICES, MOBILE AND WALK-IN CRISIS CENTERS, AND WITHDRAWAL MANAGEMENT PROGRAMS, RATHER THAN CONTINUED CRIMINAL JUSTICE INVOLVEMENT FOR OFFENDERS OF LOW-LEVEL DRUG OFFENSES; and

SECTION 4. In Colorado Revised Statutes, **add** 24-72-705.5 as follows:

24-72-705.5. Sealing of criminal conviction records information for offenses involving possession of controlled substances - simplified process - processing fee. (1) **Sealing of conviction records.** (a) (I) SUBJECT TO THE LIMITATIONS

DESCRIBED IN SUBSECTION (3) OF THIS SECTION, A DEFENDANT MAY PETITION THE DISTRICT COURT OF THE DISTRICT, OR THE MUNICIPAL COURT IN ANY MUNICIPALITY, IN WHICH ANY CONVICTION RECORDS FOR CERTAIN OFFENSES INVOLVING CONTROLLED SUBSTANCES PERTAINING TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF:

(A) THE PETITION IS FILED THREE OR MORE YEARS AFTER THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL

CONVICTION, WHICHEVER IS LATER; AND

(B) THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE IN THE THREE OR MORE YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER.

(II) THE PETITION SHALL BE MADE BY THE DEFENDANT THROUGH THE FILING OF A PETITION IN WRITING IN THE CRIMINAL CASE FOR WHICH THE DEFENDANT WAS CONVICTED WITH WRITTEN NOTICE AND A COPY OF THE PETITION PROVIDED TO THE PROSECUTING ATTORNEY.

(b)(I) UPON THE FILING OF A PETITION IN THE CRIMINAL CASE, THE COURT SHALL REVIEW THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS UNDER THIS SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE COURT DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR IF THE COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF MATTERS OUTSIDE THE PETITION, THE DEFENDANT IS NOT ENTITLED TO RELIEF UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING THE PETITION AND MAIL A COPY OF THE ORDER TO THE DEFENDANT. THE COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE PETITION.

(II) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET A DATE FOR A HEARING, AND THE COURT SHALL NOTIFY ALL PARTIES OF THE DATE OF THE HEARING.

(c)(I) AFTER THE HEARING DESCRIBED IN SUBSECTION (1)(b)(II) OF THIS SECTION IS CONDUCTED AND IF THE COURT FINDS THAT THE HARM TO THE PRIVACY OF THE DEFENDANT OR THE DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE DEFENDANT OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE CONVICTION RECORDS, THE COURT MAY ORDER THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, TO BE SEALED.

(II) IN MAKING A DETERMINATION PURSUANT TO THIS SUBSECTION (1)(c), THE COURT SHALL, AT A MINIMUM, CONSIDER THE SEVERITY OF THE OFFENSE THAT IS THE BASIS OF THE CONVICTION RECORDS SOUGHT TO BE SEALED, THE CRIMINAL HISTORY OF THE DEFENDANT, THE NUMBER OF CONVICTIONS AND DATES OF THE CONVICTIONS FOR WHICH THE DEFENDANT IS SEEKING TO HAVE THE RECORDS SEALED, AND THE NEED FOR THE GOVERNMENT AGENCY TO RETAIN THE RECORDS. IF THE PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144 IN THE CASE THAT IS THE SUBJECT OF THE PETITION TO SEAL OR ANY OTHER SUBSTANCE USE TREATMENT PROGRAM, THE COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS SECTION.

(d) WHEN THE COURT SEALS CONVICTION RECORDS PURSUANT TO THIS SECTION, THE COURT SHALL PROVIDE A COPY OF THE COURT ORDER TO THE COLORADO BUREAU OF INVESTIGATION, AND THE DEFENDANT SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU. THE COURT SHALL ALSO PROVIDE A COPY OF THE COURT

ORDER TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY RECORDS SUBJECT TO THE ORDER. THE DEFENDANT SHALL PROVIDE TO THE COURT, IN CONJUNCTION WITH THE PETITION, A LIST OF ALL AGENCY CUSTODIANS WHO MAY HAVE CUSTODY OF ANY RECORDS SUBJECT TO THE ORDER. ADDITIONALLY, THE DEFENDANT MAY ALSO PROVIDE A COPY OF THE ORDER TO ANY OTHER CUSTODIAN OF RECORDS SUBJECT TO THE ORDER. EACH CUSTODIAN THAT RECEIVES A COPY OF THE ORDER SHALL REMOVE THE RECORDS THAT ARE SUBJECT TO THE ORDER FROM ITS RECORDS.

(e) THE PROVISIONS OF SECTION 24-72-702 (1)(d) TO (1)(g) AND SECTION 24-72-702 (4) APPLY TO THIS SECTION.

(f) THIS SECTION DOES NOT APPLY TO RECORDS THAT ARE SUBJECT TO THE PROCEDURE SET FORTH IN SECTION 18-13-122 (13).

(2) (a) A DEFENDANT PETITIONING TO HAVE HIS OR HER CONVICTION RECORDS SEALED UNDER THIS SECTION SHALL PAY A PROCESSING FEE OF SIXTY-FIVE DOLLARS TO COVER THE ACTUAL COSTS RELATED TO THE SEALING OF THE CONVICTION RECORDS, WHICH MAY BE WAIVED BY THE COURT UPON A DETERMINATION OF INDIGENCY.

(b) WHEN THE MOTION TO SEAL THE CRIMINAL CASE IS FILED IN STATE COURT, THE PROCESSING FEES COLLECTED UNDER SUBSECTION (2)(a) OF THIS SECTION MUST BE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (6).

(c) WHEN THE MOTION TO SEAL THE CRIMINAL CASE IS FILED IN MUNICIPAL COURT, THE PROCESSING FEES COLLECTED UNDER SUBSECTION (2)(a) OF THIS SECTION MUST BE REPORTED AND PAID AS MUNICIPAL COSTS AND MUST BE TRANSMITTED TO THE TREASURER OF THE MUNICIPALITY AND DEPOSITED IN THE GENERAL FUND OF THE MUNICIPALITY PURSUANT TO SECTION 13-10-115.

(3) **Applicability.** (a) THE PROVISIONS OF THIS SECTION APPLY ONLY TO CONVICTION RECORDS PERTAINING TO JUDGMENTS OF CONVICTION ENTERED FOR:

(I) ANY CONVICTION FOR A VIOLATION OF A PROVISION OF ARTICLE 18 OF TITLE 18 WHEN THE CONVICTION IS FOR A LEVEL 4 DRUG FELONY OR ANY DRUG MISDEMEANOR INVOLVING THE POSSESSION OF A CONTROLLED SUBSTANCE;

(II) ANY CONVICTION FOR A VIOLATION PRIOR TO OCTOBER 1, 2013, OF A PROVISION OF ARTICLE 18 OF TITLE 18 WHEN THE CONVICTION IS FOR A FELONY OR MISDEMEANOR OFFENSE WHEN THE UNDERLYING FACTUAL BASIS OF THE OFFENSE DEMONSTRATES THAT THE OFFENSE WOULD HAVE BEEN CLASSIFIED AS A LEVEL 4 DRUG FELONY OR DRUG MISDEMEANOR INVOLVING THE POSSESSION OF A CONTROLLED SUBSTANCE IF THE OFFENSE HAD BEEN COMMITTED ON OR AFTER OCTOBER 1, 2013; AND

(III) ANY CONVICTION FOR A VIOLATION OF ANY MUNICIPAL CODE WHERE THE OFFENSE INVOLVES THE POSSESSION OF A CONTROLLED SUBSTANCE.

(b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, MOTIONS FILED UNDER THIS SECTION ARE PROCEDURAL IN NATURE, AND SEALING PURSUANT

TO THIS SECTION APPLIES RETROACTIVELY FOR ALL ELIGIBLE CASES.

(c) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

SECTION 5. In Colorado Revised Statutes, **add** part 11 to article 20.5 of title 25 as follows:

PART 11
HARM REDUCTION GRANT PROGRAM

25-20.5-1101. Harm reduction grant program - creation - application - permissible uses - department duties. (1) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A HARM REDUCTION GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", TO REDUCE HEALTH RISKS ASSOCIATED WITH DRUG USE AND IMPROVE COORDINATION BETWEEN LAW ENFORCEMENT AGENCIES, PUBLIC HEALTH AGENCIES, AND COMMUNITY-BASED ORGANIZATIONS. THE DEPARTMENT MAY CONTRACT WITH AN INDEPENDENT ENTITY FOR THE ADMINISTRATION OF THE GRANT PROGRAM.

(2) TO BE ELIGIBLE TO RECEIVE GRANT FUNDING PURSUANT TO THIS PART 11, AN ENTITY MUST BE A NONPROFIT ORGANIZATION IN GOOD STANDING AND REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE COLORADO SECRETARY OF STATE'S OFFICE, A LOCAL PUBLIC HEALTH AGENCY ESTABLISHED PURSUANT TO SECTION 25-1-506, OR A LAW ENFORCEMENT AGENCY. GRANTEEES MUST BE WILLING TO PROVIDE SERVICES TO INDIVIDUALS WHO MAY NOT BE READY TO SEEK ADDICTION TREATMENT SERVICES OR WHO ARE IN RECOVERY.

(3) ON OR BEFORE NOVEMBER 1, 2019, THE DEPARTMENT SHALL DEVELOP:

(a) ELIGIBILITY CRITERIA FOR NONPROFIT ORGANIZATIONS, LOCAL PUBLIC HEALTH AGENCIES, AND LAW ENFORCEMENT AGENCIES;

(b) THE GRANT APPLICATION PROCESS AND SCHEDULE;

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

(d) THE PERFORMANCE METRICS AND DATA COLLECTION REQUIRED OF GRANTEEES.

(4) (a) PERMISSIBLE USES OF FUNDING PROVIDED PURSUANT TO THIS GRANT PROGRAM INCLUDE, BUT ARE NOT LIMITED TO:

(I) TRAININGS RELEVANT TO THE FIELD OF HARM REDUCTION, WHICH MAY INCLUDE HOW TO ADMINISTER NALOXONE;

(II) PURCHASING AND PROVIDING STERILE EQUIPMENT AND SYRINGE DISPOSAL EQUIPMENT;

(III) PROVIDING DIRECT SERVICES TO PERSONS WHO HAVE COME INTO CONTACT WITH OR WHO ARE AT RISK OF COMING INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM, WHICH MAY INCLUDE ACCESSING TREATMENT AND HEALTH CARE SERVICES, OVERDOSE PREVENTION ACTIVITIES, AND RECOVERY SUPPORT SERVICES;

(IV) OUTREACH AND ENGAGEMENT TO PEOPLE WHO COME INTO CONTACT WITH OR WHO ARE AT-RISK OF COMING INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM AND WHO ARE IN NEED OF MENTAL HEALTH OR SUBSTANCE USE DISORDER SERVICES;

(V) FACILITATING COMMUNICATION, TRAINING, AND TECHNICAL ASSISTANCE AMONG LAW ENFORCEMENT AGENCIES, PUBLIC HEALTH AGENCIES, AND COMMUNITY-BASED HARM REDUCTION AGENCIES;

(VI) COORDINATING LOCAL EFFORTS REGARDING CO-RESPONDER AND DIVERSION PROGRAMS; AND

(VII) AURICULAR ACUDETTOX TRAINING AND SERVICES.

(b) IN ORDER TO ENSURE GRANTEEES ARE COORDINATING EFFORTS ACROSS PUBLIC HEALTH AND CRIMINAL JUSTICE SYSTEMS AT THE LOCAL LEVEL, FUNDING MAY BE USED TO SUPPORT A HARM REDUCTION AND LAW ENFORCEMENT LIAISON WHO HAS EXPERIENCE WORKING WITH COMMUNITY-BASED ORGANIZATIONS, LOCAL PUBLIC HEALTH AGENCIES, AND LAW ENFORCEMENT AGENCIES.

(5) THE DEPARTMENT SHALL NOT AWARD ANY GRANT MONEY IN EXCESS OF THE AMOUNT IN THE HARM REDUCTION GRANT PROGRAM CASH FUND CREATED PURSUANT TO SECTION 25-20.5-1102.

25-20.5-1102. Harm reduction grant program cash fund - creation. (1) THE HARM REDUCTION GRANT PROGRAM CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

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

(3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSES OF THIS PART 11.

(4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND ON SEPTEMBER 1, 2024, TO THE GENERAL FUND.

25-20.5-1103. Rules. THE DEPARTMENT MAY PROMULGATE RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS PART 11.

25-20.5-1104. Repeal of part - sunset review. THIS PART 11 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024. BEFORE ITS REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE GRANT PROGRAM IN ACCORDANCE WITH

SECTION 24-34-104.

SECTION 6. In Colorado Revised Statutes, 24-34-104, **add** (25)(a)(XXI) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.

(25) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2024:

(XXI) THE HARM REDUCTION GRANT PROGRAM CREATED IN SECTION 25-20.5-1101.

SECTION 7. In Colorado Revised Statutes, 27-60-106, **add** (5) as follows:

27-60-106. Jail-based behavioral health services program - purpose - created - funding.

(5) (a) THE OFFICE SHALL REQUIRE A COUNTY JAIL THAT RECEIVES FUNDING THROUGH THE PROGRAM TO HAVE A POLICY IN PLACE ON OR BEFORE JANUARY 1, 2020, THAT DESCRIBES HOW MEDICATION-ASSISTED TREATMENT, AS IT IS DEFINED IN SECTION 23-21-803, WILL BE PROVIDED, WHEN NECESSARY, TO INDIVIDUALS CONFINED IN THE COUNTY JAIL.

(b) A SHERIFF WHO IS THE CUSTODIAN OF A COUNTY JAIL OR CITY AND COUNTY JAIL MAY ENTER INTO AGREEMENTS WITH COMMUNITY AGENCIES, BEHAVIORAL HEALTH ORGANIZATIONS, AND SUBSTANCE USE DISORDER TREATMENT ORGANIZATIONS TO ASSIST IN THE DEVELOPMENT AND ADMINISTRATION OF MEDICATION-ASSISTED TREATMENT IN THE JAIL.

SECTION 8. Appropriation. (1) For the 2019-20 state fiscal year, \$1,963,832 is appropriated to the department of human services for use by the office of behavioral health. This appropriation is from the general fund. To implement this act, the office may use this appropriation as follows:

(a) \$58,412 for personal services related to community behavioral health administration, which amount is based on an assumption that the office will require an additional 0.7 FTE;

(b) \$5,368 for operating expenses related to community behavioral health administration;

(c) \$735,000 for treatment and detoxification programs; and

(d) \$1,165,052 for criminal justice diversion programs, which amount is based on an assumption that the office will require an additional 0.8 FTE.

(2) For the 2019-20 state fiscal year, \$492,750 is appropriated to the department of corrections. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$370,492 for personal services related to the medical services subprogram, which amount is based on an assumption that the department will require an

additional 1.6 FTE;

(b) \$900 for operating expenses related to the medical services subprogram;

(c) \$9,406 for start-up costs related to the medical services subprogram;

(d) \$111,142 for purchase of pharmaceuticals related to the medical services subprogram; and

(e) \$810 for operating expenses related to the communications subprogram.

(3) For the 2019-20 state fiscal year, \$1,800,000 is appropriated to the harm reduction grant program cash fund created in section 25-20.5-1102 (1), C.R.S. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. The department of public health and environment is responsible for the accounting related to this appropriation.

(4) For the 2019-20 state fiscal year, \$1,800,000 is appropriated to the department of public health and environment for use by the prevention services division. This appropriation is from reappropriated funds in the harm reduction grant program cash fund under subsection (3) of this section and is based on an assumption that the division will require an additional 1.8 FTE. The division may use this appropriation to implement the harm reduction grant program authorized in section 25-20.5-1101, C.R.S.

(5) For the 2019-20 state fiscal year, \$40,300 is appropriated to the department of public safety for use by the division of criminal justice. This appropriation is from the general fund. The division may use this appropriation for DCJ administrative services.

SECTION 9. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Section 4 of this act takes effect only if House Bill 19-1275 does not become law.

Approved: May 23, 2019