

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

INTRODUCED

LLS NO. 21-0069.01 Conrad Imel x2313

HOUSE BILL 21-1122

HOUSE SPONSORSHIP

Froelich and Larson,

SENATE SPONSORSHIP

Kolker,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING A COMMISSION TO IMPROVE FIRST**
102 **RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES.**

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 establishes the commission on improving first responder interactions with persons with disabilities (commission) in the attorney general's office. The commission is comprised of 10 members, including 2 persons with a disability, 2 parents of a child with a disability, 2 first responders, 2 representatives from advocacy organizations, the vice-chairperson of the peace officer standards and training board

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.

(P.O.S.T. board), and a member of the P.O.S.T. board's curriculum subject matter expert committee.

After reviewing the existing Colorado peace officer training and existing available curriculum, the commission must recommend to the P.O.S.T. board a curriculum for peace officer training concerning interactions with persons with disabilities. Subject to available appropriations, the P.O.S.T. board must implement the recommended curriculum by July 1, 2022. The commission is required to review implementation of the curriculum and may recommend changes that the P.O.S.T. board may adopt.

The commission is repealed on December 31, 2023, but prior to its repeal the attorney general may recommend continuation of the commission.

The bill requires the fire service training and certification advisory board to advise the director of the division of fire prevention and control on whether to include the commission's curriculum or similar curriculum in the fire service education and training program. The Colorado department of public health and environment is required to consider including the commission's curriculum in training for personnel who routinely respond to emergencies.

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

SECTION 1. In Colorado Revised Statutes, **add** part 10 to article 31 of title 24 as follows:

PART 10

**COMMISSION ON IMPROVING FIRST RESPONDER
INTERACTIONS WITH PERSONS WITH DISABILITIES**

24-31-1001. Definitions. AS USED IN THIS PART 10, UNLESS THE
CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE COMMISSION ON IMPROVING FIRST
RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES CREATED IN
SECTION 24-31-1002.

(2) "FIRST RESPONDER" MEANS A PEACE OFFICER, FIREFIGHTER, OR
EMERGENCY MEDICAL SERVICE PROVIDER.

(3) "PERSON WITH A DISABILITY" HAS THE SAME MEANING SET

1 FORTH IN SECTION 18-6.5-102 (11).

2 (4) "P.O.S.T. BOARD" MEANS THE PEACE OFFICERS STANDARDS
3 AND TRAINING BOARD CREATED IN SECTION 24-31-302.

4 **24-31-1002. Commission - membership - duties.** (1) THERE IS
5 CREATED WITHIN THE DEPARTMENT OF LAW AND UNDER THE CONTROL OF
6 THE OFFICE OF THE ATTORNEY GENERAL THE COMMISSION ON IMPROVING
7 FIRST RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES.

8 (2) THE COMMISSION CONSISTS OF TEN MEMBERS, AS FOLLOWS:

9 (a) THE ATTORNEY GENERAL SHALL APPOINT EIGHT MEMBERS, AS
10 FOLLOWS:

11 (I) TWO PERSONS WITH A DISABILITY;

12 (II) TWO PARENTS OF A CHILD WITH A DISABILITY;

13 (III) TWO FIRST RESPONDERS, AT LEAST ONE OF WHICH MUST BE A
14 PEACE OFFICER; AND

15 (IV) TWO REPRESENTATIVES FROM ORGANIZATIONS THAT
16 ADVOCATE FOR PERSONS WITH DISABILITIES WHO ARE RECOMMENDED BY
17 THE ORGANIZATION;

18 (b) THE VICE-CHAIRPERSON OF THE P.O.S.T. BOARD, OR THE
19 VICE-CHAIRPERSON'S DESIGNEE; AND

20 (c) A MEMBER OF THE P.O.S.T. BOARD'S CURRICULUM SUBJECT
21 MATTER EXPERT COMMITTEE, APPOINTED BY THE VICE-CHAIRPERSON OF
22 THE P.O.S.T. BOARD.

23 (3) THE APPOINTING AUTHORITIES SHALL MAKE THEIR
24 APPOINTMENTS TO THE COMMISSION NO LATER THAN JULY 31, 2021.

25 (4) MEMBERS OF THE COMMISSION SERVE WITHOUT
26 COMPENSATION BUT THE DEPARTMENT OF LAW SHALL REIMBURSE
27 MEMBERS FOR ALL ACTUAL AND NECESSARY EXPENSES INCURRED IN THE

1 PERFORMANCE OF THEIR DUTIES.

2 (5) THE ATTORNEY GENERAL'S OFFICE SHALL PROVIDE A STAFF
3 MEMBER TO COORDINATE AND SUPPORT THE COMMISSION AND HELP
4 IMPLEMENT THE COMMISSION'S RECOMMENDATIONS.

5 (6) (a) THE ATTORNEY GENERAL'S OFFICE SHALL CONVENE THE
6 FIRST MEETING OF THE COMMISSION NO LATER THAN SEPTEMBER 1, 2021.
7 AT THE FIRST MEETING, COMMISSION MEMBERS SHALL SELECT FROM
8 AMONG THE MEMBERSHIP A PERSON TO SERVE AS CHAIR OF THE
9 COMMISSION.

10 (b) THE COMMISSION SHALL MEET UPON THE CALL OF THE CHAIR
11 AS NECESSARY TO COMPLETE ITS DUTIES SPECIFIED IN THIS PART 10, BUT
12 MUST MEET AT LEAST ONCE PER QUARTER.

13 **24-31-1003. Study of training concerning interactions with**
14 **persons with disabilities - report.** (1) THE COMMISSION SHALL, IN
15 COLLABORATION WITH THE P.O.S.T. BOARD, EVALUATE EXISTING
16 TRAINING FOR PEACE OFFICERS CONCERNING INTERACTIONS WITH PERSONS
17 WITH DISABILITIES. THE COMMISSION SHALL EXAMINE:

18 (a) WHETHER THE TRAINING IS INCLUDED AS A PART OF BASIC
19 TRAINING OR ANY OTHER TRAINING PROGRAM APPROVED BY THE P.O.S.T.
20 BOARD AND PROVIDED BY A LAW ENFORCEMENT TRAINING ACADEMY;

21 (b) (I) IF THE TRAINING IS REQUIRED, THE NUMBER OF HOURS OF
22 TRAINING REQUIRED; OR

23 (II) IF THE TRAINING IS OPTIONAL, THE NUMBER OF HOURS OF
24 TRAINING OFFERED; AND

25 (c) THE QUALIFICATIONS AND EXPERIENCE REQUIRED OF
26 INSTRUCTORS WHO PROVIDE THE TRAINING.

27 (2) THE COMMISSION SHALL REVIEW EXISTING TRAINING

1 CURRICULA CONCERNING FIRST RESPONDER INTERACTIONS WITH PERSONS
2 WITH DISABILITIES OFFERED BY ORGANIZATIONS IN COLORADO AND OTHER
3 STATES. THE COMMISSION'S REVIEW MUST INCLUDE IDENTIFYING EXISTING
4 CURRICULA OFFERED BY GOVERNMENTAL AGENCIES AND
5 NONGOVERNMENTAL ORGANIZATIONS, EVALUATING WHETHER ANY
6 IDENTIFIED EXISTING AND AVAILABLE CURRICULA IS ADEQUATE TO TRAIN
7 PEACE OFFICERS IN COLORADO, AND WHETHER ANY EXISTING CURRICULA
8 COULD BE MODIFIED TO PROPERLY TRAIN PEACE OFFICERS IN COLORADO.

9 **24-31-1004. Recommend training curriculum for peace**
10 **officers.** (1) (a) ON OR BEFORE JANUARY 31, 2022, AND AFTER
11 COMPLETING THE STUDY DESCRIBED IN SECTION 24-31-1003, THE
12 COMMISSION SHALL RECOMMEND TO THE P.O.S.T. BOARD THE
13 CURRICULUM FOR PEACE OFFICER TRAINING CONCERNING INTERACTIONS
14 WITH PERSONS WITH DISABILITIES TO BE USED IN BASIC TRAINING AND
15 OTHER TRAINING PROGRAMS APPROVED BY THE P.O.S.T. BOARD AND THAT
16 MAY BE OFFERED TO FIRST RESPONDERS THAT ARE NOT REQUIRED TO TAKE
17 P.O.S.T. BOARD APPROVED TRAINING.

18 (b) THE RECOMMENDED CURRICULUM MUST INCLUDE AN INITIAL
19 TRAINING CURRICULUM THAT CAN BE OFFERED AS PART OF BASIC LAW
20 ENFORCEMENT TRAINING AND AN ANNUAL IN-SERVICE TRAINING
21 CURRICULUM.

22 (2) IN RECOMMENDING A CURRICULUM PURSUANT TO THIS
23 SECTION, THE COMMISSION MUST:

24 (a) RECOMMEND A CURRICULUM THAT MEETS OR EXCEEDS THE
25 STANDARDS OF THE EXISTING CURRICULUM OFFERED TO FIRST
26 RESPONDERS IDENTIFIED BY THE COMMITTEE IN ITS STUDY OF THE
27 EXISTING CURRICULUM;

1 (b) CONSIDER EXISTING BASIC TRAINING AND ANNUAL IN-SERVICE
2 TRAINING REQUIREMENTS FOR PEACE OFFICERS TO ENSURE THAT THE
3 RECOMMENDED CURRICULUM CAN BE IMPLEMENTED EFFECTIVELY AND
4 WITH THE LEAST POSSIBLE DUPLICATION OF EXISTING TRAINING
5 REQUIREMENTS AND ADMINISTRATIVE AND FINANCIAL BURDEN ON PEACE
6 OFFICERS, LAW ENFORCEMENT AGENCIES, AND LAW ENFORCEMENT
7 TRAINING ACADEMIES;

8 (c) STUDY THE EXISTING TRAINING REQUIREMENT CONCERNING
9 ABUSE AND EXPLOITATION OF AT-RISK ADULTS WITH INTELLECTUAL AND
10 DEVELOPMENTAL DISABILITIES DESCRIBED IN SECTION 24-31-313.5 AND
11 CONSIDER RECOMMENDING A CURRICULUM THAT MAY SATISFY THE
12 EXISTING REQUIREMENT; AND

13 (d) CONSIDER THE RESULTS OF ANY AUDIT THAT EXAMINED FIRST
14 RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES IN
15 COLORADO.

16 (3) (a) AFTER IMPLEMENTATION OF THE CURRICULUM AS
17 DESCRIBED IN SECTION 24-31-317, THE COMMISSION SHALL EXAMINE ANY
18 CHALLENGES FACED BY THE P.O.S.T. BOARD, LAW ENFORCEMENT
19 AGENCIES, AND LAW ENFORCEMENT TRAINING ACADEMIES WITH
20 IMPLEMENTING THE CURRICULUM, INCLUDING RESOURCE AVAILABILITY;
21 PERIODICALLY ASSESS THE EFFECTIVENESS OF THE CURRICULUM; AND
22 DETERMINE WHETHER ANY CHANGES NEED TO BE MADE TO THE
23 CURRICULUM.

24 (b) IF, AFTER THE IMPLEMENTATION OF THE CURRICULUM, THE
25 COMMISSION DETERMINES THAT THE CURRICULUM SHOULD BE CHANGED,
26 IT MAY RECOMMEND CHANGES TO THE P.O.S.T. BOARD. THE P.O.S.T.
27 BOARD MAY ADOPT THE RECOMMENDED CHANGES.

1 (4) THE COMMISSION MAY IDENTIFY AND RECOMMEND AN
2 EXISTING TRAINING CURRICULUM APPROPRIATE FOR FIRST RESPONDERS
3 WHO ARE NOT PEACE OFFICERS.

4 **24-31-1005. Report.** IN ITS ANNUAL REPORT BEFORE THE HOUSE
5 AND SENATE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203,
6 THE DEPARTMENT OF LAW SHALL INCLUDE INFORMATION REGARDING THE
7 COMMISSION'S ACTIVITIES. IN ITS REPORT DURING THE 2023 LEGISLATIVE
8 SESSION, THE DEPARTMENT SHALL MAKE A RECOMMENDATION
9 CONCERNING WHETHER TO CONTINUE THE COMMISSION.

10 **24-31-1006. Repeal of part.** THIS PART 10 IS REPEALED,
11 EFFECTIVE DECEMBER 31, 2023.

12 **SECTION 2.** In Colorado Revised Statutes, 24-31-303, **add** (1)(s)
13 as follows:

14 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
15 P.O.S.T. board has the following duties:

16 (s) TO COLLABORATE WITH THE COMMISSION ON IMPROVING FIRST
17 RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES, IN THE
18 MANNER DESCRIBED IN PART 10 OF THIS ARTICLE 31.

19 **SECTION 3.** In Colorado Revised Statutes, 24-31-315, **amend**
20 (1) as follows:

21 **24-31-315. Annual in-service training requirements.**

22 (1) (a) The annual in-service training programs ~~shall~~ MUST include
23 proper restraint and holds training, a two-hour anti-bias training program,
24 and, in alternating years, either a two-hour community policing and
25 community partnerships training program or a two-hour situation
26 de-escalation training program. The programs and curriculum ~~shall be~~
27 ~~available by July 1, 2016,~~ and may include interactive web-based training.

1 Each certified peace officer shall satisfactorily complete the training by
2 July 1, 2017, and shall satisfactorily complete the training at least once
3 every five years thereafter.

4 (b) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING JULY 1,
5 2022, THE ANNUAL IN-SERVICE TRAINING PROGRAMS MUST INCLUDE THE
6 IN-SERVICE CURRICULUM FOR TRAINING CONCERNING INTERACTIONS WITH
7 PERSONS WITH DISABILITIES RECOMMENDED BY THE COMMISSION ON
8 IMPROVING FIRST RESPONDER INTERACTIONS WITH PERSONS WITH
9 DISABILITIES PURSUANT TO SECTION 24-31-1004.

10 **SECTION 4.** In Colorado Revised Statutes, **add** 24-31-317 as
11 follows:

12 **24-31-317. Training requirements concerning peace officer**
13 **interactions with persons with disabilities.** (1) SUBJECT TO AVAILABLE
14 APPROPRIATIONS, BEGINNING JULY 1, 2022, THE BASIC ACADEMY
15 CURRICULUM MUST INCLUDE THE CURRICULUM FOR TRAINING
16 CONCERNING INTERACTIONS WITH PERSONS WITH DISABILITIES
17 RECOMMENDED BY THE COMMISSION ON IMPROVING FIRST RESPONDER
18 INTERACTIONS WITH PERSONS WITH DISABILITIES PURSUANT TO SECTION
19 24-31-1004.

20 (2) THE ANNUAL IN-SERVICE TRAINING PROGRAMS MUST INCLUDE
21 THE IN-SERVICE CURRICULUM FOR TRAINING CONCERNING INTERACTIONS
22 WITH PERSONS WITH DISABILITIES, AS DESCRIBED IN SECTION 24-31-315
23 (1)(b).

24 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-1205, **add**
25 (6) as follows:

26 **24-33.5-1205. Duties of the director and the advisory board.**
27 (6) THE ADVISORY BOARD SHALL REVIEW THE CURRICULUM FOR TRAINING

1 CONCERNING INTERACTIONS WITH PERSONS WITH DISABILITIES
2 RECOMMENDED BY THE COMMISSION ON IMPROVING FIRST RESPONDER
3 INTERACTIONS WITH PERSONS WITH DISABILITIES PURSUANT TO SECTION
4 24-31-1004 AND ADVISE THE DIRECTOR ON WHETHER TO INCLUDE THAT
5 CURRICULUM OR SIMILAR CURRICULUM IN THE FIRE SERVICE EDUCATION
6 AND TRAINING PROGRAM.

7 **SECTION 6.** In Colorado Revised Statutes, 25-3.5-201, **add** (3)
8 as follows:

9 **25-3.5-201. Training programs.** (3) THE DEPARTMENT SHALL
10 CONSIDER INCLUDING IN THE DEPARTMENT'S TRAINING CURRICULUM FOR
11 PERSONNEL WHO RESPOND ROUTINELY TO EMERGENCIES THE TRAINING
12 CURRICULUM CONCERNING INTERACTIONS WITH PERSONS WITH
13 DISABILITIES RECOMMENDED BY THE COMMISSION ON IMPROVING FIRST
14 RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES PURSUANT
15 TO SECTION 24-31-1004.

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