

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0605.01 Richard Sweetman x4333

SENATE BILL 18-059

SENATE SPONSORSHIP

Fields,

HOUSE SPONSORSHIP

Pabon,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING CREATION OF A PUBLIC SAFETY INFORMATION-SHARING
102 SYSTEM.

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 information-sharing grant program (grant program) within the division of homeland security and emergency management (division). The grant program shall provide a grant to a consortium of at least 50 law enforcement agencies in the state for the purpose of operating and maintaining a law enforcement information-sharing system.

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.

The bill requires the executive director of the department of public safety to promulgate rules for the administration of the grant program. At a minimum, the rules must specify the time frames for applying for grants, the form of the grant program application, and the time frames for distributing grant money. In determining whether to award a grant, the division shall consider:

- ! The applicant's capacity to serve law enforcement agencies statewide;
- ! The applicant's ability to operate and maintain a law enforcement information-sharing system; and
- ! The applicant's ability to make necessary investments in a law enforcement information-sharing system.

The bill creates the law enforcement information-sharing grant program fund (fund) and directs the general assembly to appropriate \$1.9 million to the fund from the marijuana tax cash fund for the 2018-19 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 public safety and law enforcement personnel
5 operate at an information disadvantage that diminishes their safety and
6 increases the likelihood that community members will be engaged
7 improperly;

8 (b) Law enforcement personnel interact daily with a wide variety
9 of people, from law-abiding citizens to frequent offenders, all without
10 reliable information to determine who presents a risk and who does not;

11 (c) Law enforcement's information disadvantage can erode public
12 trust when incomplete information leads to improper policing actions. For
13 example, a lack of information can result in an unnecessarily large
14 volume of contacts during an investigation. Also, a lack of information
15 can lead to misinformation that spawns inaccurate BOLO "Be on the
16 Lookout" notices, formerly known as "All Point Bulletins" or APBs.

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

4 (e) A major contributing factor to this lack of information is that
5 each agency often has its own independent records-management system.

6 (2) Therefore, the general assembly declares that:

7 (a) It is necessary to create a statewide information-sharing system
8 for law enforcement;

9 (b) This act does not require any new data collection by any law
10 enforcement agency; and

11 (c) The grant program created in this act is not intended to
12 develop or maintain electronic discovery systems.

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

15 **24-33.5-1617. Law enforcement information-sharing grant**
16 **program - rules - fund created - definition.** (1) THE LAW
17 ENFORCEMENT INFORMATION-SHARING GRANT PROGRAM, REFERRED TO
18 WITHIN THIS SECTION AS THE "GRANT PROGRAM", IS CREATED WITHIN THE
19 DIVISION. DURING THE 2018-19 FISCAL YEAR, THE GRANT PROGRAM SHALL
20 PROVIDE A GRANT FROM THE FUND CREATED IN SUBSECTION (7) OF THIS
21 SECTION TO A CONSORTIUM FOR THE PURPOSE OF OPERATING AND
22 MAINTAINING A LAW ENFORCEMENT INFORMATION-SHARING SYSTEM FOR
23 THE PARTICIPATING AGENCIES OF THE CONSORTIUM.

24 (2) THE GRANT RECIPIENT SHALL USE MONEY RECEIVED THROUGH
25 THE GRANT PROGRAM FOR ONE OR MORE OF THE FOLLOWING:

26 (a) MAINTAINING, OPERATING, AND IMPROVING A STATEWIDE LAW
27 ENFORCEMENT INFORMATION-SHARING SYSTEM;

1 (b) ASSISTING LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
2 JUSTICE AGENCIES IN GAINING ACCESS TO THE LAW ENFORCEMENT
3 INFORMATION-SHARING SYSTEM; OR

4 (c) INCREASING COMMUNICATION, INTEROPERABILITY, OR DATA
5 SHARING AMONG LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
6 JUSTICE AGENCIES.

7 (3) NOT LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF
8 THIS SECTION, THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM
9 PURSUANT TO RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF
10 THIS SECTION, AND, SUBJECT TO AVAILABLE APPROPRIATIONS, THE
11 DIVISION SHALL AWARD A GRANT AS PROVIDED IN SUBSECTION (5) OF THIS
12 SECTION.

13 (4) NOT LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF
14 THIS SECTION, THE EXECUTIVE DIRECTOR SHALL PROMULGATE SUCH RULES
15 AS ARE REQUIRED FOR THE ADMINISTRATION OF THE GRANT PROGRAM. AT
16 A MINIMUM, THE RULES MUST SPECIFY THE TIME FRAMES FOR APPLYING
17 FOR GRANTS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE
18 TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

19 (5) TO RECEIVE A GRANT, A CONSORTIUM MUST SUBMIT AN
20 APPLICATION TO THE DIVISION IN ACCORDANCE WITH THE RULES
21 PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE
22 DIVISION SHALL REVIEW ANY APPLICATIONS RECEIVED PURSUANT TO THIS
23 SUBSECTION (5).

24 (6) IN DETERMINING TO WHICH APPLICANT TO AWARD THE GRANT,
25 THE DIVISION SHALL CONSIDER:

26 (a) THE APPLICANT'S CAPACITY TO SERVE LAW ENFORCEMENT
27 AGENCIES STATEWIDE; AND

1 (b) THE APPLICANT'S ABILITY TO OPERATE AND MAINTAIN A LAW
2 ENFORCEMENT INFORMATION-SHARING SYSTEM.

3 (7) (a) THE LAW ENFORCEMENT INFORMATION-SHARING GRANT
4 PROGRAM FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS
5 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
6 APPROPRIATED TO THE FUND PURSUANT TO SUBSECTION (7)(e) OF THIS
7 SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
8 APPROPRIATE OR TRANSFER TO THE FUND.

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

12 (c) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
13 IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND IS
14 NOT CREDITED TO THE GENERAL FUND.

15 (d) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
16 AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2021, TO THE
17 GENERAL FUND.

18 (e) FOR THE 2018-19 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL
19 APPROPRIATE ONE MILLION NINE HUNDRED THOUSAND DOLLARS TO THE
20 FUND FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION
21 39-28.8-501. THE DIVISION MAY EXPEND MONEY FROM THE FUND FOR THE
22 PURPOSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

23 (8) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES
24 OTHERWISE, "CONSORTIUM" MEANS AN ASSOCIATION OF AT LEAST FIFTY
25 LAW ENFORCEMENT AGENCIES IN THE STATE.

26 **SECTION 3.** In Colorado Revised Statutes, 39-28.8-501, **amend**
27 (2)(b)(IV)(M) and (2)(b)(IV)(N); and **add** (2)(b)(IV)(O) as follows:

1 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
2 **- legislative declaration.** (2) (b) (IV) Subject to the limitation in
3 subsection (5) of this section, the general assembly may annually
4 appropriate any money in the fund for any fiscal year following the fiscal
5 year in which it was received by the state for the following purposes:

6 (M) For the expenses of the department of education and the
7 department of public health and environment in developing and
8 maintaining the resource bank for educational materials on marijuana and
9 providing technical assistance as required in section 22-2-127.7; ~~and~~

10 (N) For housing, rental assistance, and supportive services,
11 including reentry services, pursuant to section 24-32-721; AND

12 (O) TO FUND GRANTS FROM THE LAW ENFORCEMENT
13 INFORMATION-SHARING GRANT PROGRAM CREATED IN SECTION
14 24-33.5-1617.

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.