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HOUSE BILL 22-1234

BY REPRESENTATIVE(S) Bacon and Michaelson Jenet, Benavidez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jodeh, Kipp, Lindsay, Lontine, Sirota, Sullivan, Titone, Valdez A., Valdez D., Weissman, Woodrow;
also SENATOR(S) Rodriguez, Buckner, Danielson, Donovan, Gonzales, Jaquez Lewis, Lee, Moreno, Pettersen, Story, Winter.

CONCERNING ESTABLISHING A PREVENTING IDENTITY-BASED VIOLENCE GRANT PROGRAM, 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, **add 24-33.5-1620** as follows:

24-33.5-1620. Preventing identity-based violence grant program - creation - report - rules - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EDUCATIONAL ENTITY" MEANS A SCHOOL DISTRICT; A BOARD OF COOPERATIVE SERVICES; A DISTRICT CHARTER SCHOOL OR AN INSTITUTE

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.

CHARTER SCHOOL OPERATING PURSUANT TO ARTICLE 30.5 OF TITLE 22; A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102 (10)(a); A LOCAL DISTRICT COLLEGE, CREATED PURSUANT TO ARTICLE 71 OF TITLE 23; AN AREA TECHNICAL COLLEGE, AS DEFINED IN SECTION 23-60-103; OR A PRIVATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102 (9).

(b) "ELIGIBLE ENTITY" MEANS A COUNTY, MUNICIPALITY, OR CITY AND COUNTY, AND ANY AGENCY THEREOF; AN AMERICAN INDIAN TRIBE; A LAW ENFORCEMENT AGENCY; A DISTRICT ATTORNEY'S OFFICE; AN EDUCATIONAL ENTITY; AND A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, WHICH MAY BE A COMMUNITY-BASED NONPROFIT ORGANIZATION THAT HAS EXPERIENCE WORKING WITH THOSE AFFECTED BY IDENTITY-BASED VIOLENCE.

(c) "INTELLIGENCE INFORMATION" MEANS EVALUATED DATA RELEVANT TO THE IDENTIFICATION OF ACTIVITY ENGAGED IN BY AN INDIVIDUAL OR ORGANIZATION REASONABLY SUSPECTED OF INVOLVEMENT IN CRIMINAL ACTIVITY THAT MEETS CRIMINAL INTELLIGENCE SYSTEM SUBMISSION CRITERIA AS SET FORTH IN 28 CFR PART 23.

(d) "OFFICE" MEANS THE OFFICE OF PREVENTION AND SECURITY CREATED IN SECTION 24-33.5-1606.

(e) "PROGRAM" MEANS THE PREVENTING IDENTITY-BASED VIOLENCE GRANT PROGRAM ESTABLISHED IN SUBSECTION (2)(a) OF THIS SECTION.

(2) (a) THERE IS ESTABLISHED IN THE DIVISION THE PREVENTING IDENTITY-BASED VIOLENCE GRANT PROGRAM TO PROVIDE GRANTS TO ELIGIBLE ENTITIES FOR PROGRAMS THAT FOCUS ON BUILDING STRONG COMMUNITIES AND PREVENTING ACTS OF VIOLENCE THAT THREATEN HUMAN LIFE OR CRITICAL INFRASTRUCTURE, VENUES, OR KEY RESOURCES, IN WHICH ACTORS OR GROUPS INTENTIONALLY TARGET A DISCERNIBLE POPULATION OF INDIVIDUALS, SUCH AS A POPULATION DETERMINED BY ITS MEMBERS' ETHNICITY, NATIONAL ORIGIN, RELIGION, OR SEXUAL ORIENTATION OR IDENTITY, IN A MANNER THAT POSES A THREAT TO HOMELAND SECURITY, REFERRED TO IN THIS SECTION AS "IDENTITY-BASED VIOLENCE". THE OFFICE SHALL ADMINISTER THE PROGRAM IN ACCORDANCE WITH THIS SECTION AND DEPARTMENT RULES.

(b) (I) A PROJECT FUNDED WITH A GRANT AWARD MUST FURTHER AT LEAST ONE OF THE FOLLOWING PROGRAM GOALS:

(A) BUILDING AWARENESS FOR THE PREVENTION AND INTERVENTION OF IDENTITY-BASED VIOLENCE WITHIN COLORADO COMMUNITIES;

(B) STRENGTHENING LOCAL COLLABORATION AND CAPABILITIES FOR PREVENTION AND INTERVENTION OF IDENTITY-BASED VIOLENCE; OR

(C) BUILDING SUSTAINABLE SUPPORT FOR THE PREVENTION AND INTERVENTION OF IDENTITY-BASED VIOLENCE.

(II) A PROJECT MUST NOT INFRINGE ON INDIVIDUAL PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.

(III) (A) A GRANT RECIPIENT THAT IS NOT A LAW ENFORCEMENT AGENCY SHALL NOT COLLECT OR MAINTAIN INTELLIGENCE INFORMATION ABOUT THE POLITICAL, RELIGIOUS, OR SOCIAL VIEWS, ASSOCIATIONS, OR ACTIVITIES OF ANY INDIVIDUAL OR GROUP, ASSOCIATION, CORPORATION, BUSINESS PARTNERSHIP, OR OTHER ORGANIZATION.

(B) A LAW ENFORCEMENT AGENCY SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN 28 CFR PART 23 WITH REGARD TO THE COLLECTION, MAINTENANCE, AND USE OF INTELLIGENCE INFORMATION LEARNED BY THE AGENCY THROUGH A PROGRAM FUNDED WITH A GRANT AWARD, REGARDLESS OF WHETHER THE AGENCY IS A DIRECT GRANT RECIPIENT OR IS ACTING IN PARTNERSHIP WITH A GRANT RECIPIENT.

(3)(a) THE DEPARTMENT SHALL PROMULGATE RULES AS NECESSARY FOR THE ADMINISTRATION OF THIS SECTION. AT A MINIMUM, THE RULES MUST SPECIFY THE FOLLOWING:

(I) THE CONTENT OF A GRANT APPLICATION, THE DEADLINE FOR SUBMITTING A GRANT APPLICATION, AND THE DEADLINE FOR THE DIVISION TO AWARD GRANTS;

(II) CRITERIA FOR SELECTING GRANT RECIPIENTS, WHICH MAY INCLUDE CONSIDERATION OF ANNUAL GRANT PRIORITIES DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION;

(III) GUIDELINES FOR DETERMINING THE AMOUNT OF EACH GRANT AWARD;

(IV) A PROCESS FOR VERIFYING THAT GRANT RECIPIENTS ARE COMPLYING WITH THE REQUIREMENTS OF THE PROGRAM; AND

(V) REQUIREMENTS FOR GRANT RECIPIENTS TO REPORT INFORMATION NECESSARY FOR THE DEPARTMENT TO MAKE THE REPORT REQUIRED PURSUANT TO SUBSECTION (7) OF THIS SECTION.

(b) THE DEPARTMENT SHALL ANNUALLY EVALUATE ENVIRONMENTAL FACTORS THAT LEAD TO IDENTITY-BASED VIOLENCE AND CHALLENGES TO REDUCING IDENTITY-BASED VIOLENCE. THE DEPARTMENT MAY ESTABLISH ANNUAL PRIORITIES FOR THE PROGRAM THAT ADDRESS THE IDENTIFIED FACTORS AND CHALLENGES.

(4) IN ORDER TO RECEIVE A GRANT, AN ELIGIBLE ENTITY THAT IS NOT A COMMUNITY-BASED NONPROFIT ORGANIZATION THAT HAS EXPERIENCE WORKING WITH THOSE AFFECTED BY IDENTITY-BASED VIOLENCE MUST PARTNER WITH A COMMUNITY-BASED NONPROFIT ORGANIZATION WITH THAT EXPERIENCE TO CARRY OUT THE PROJECT FUNDED BY A GRANT AWARD. AN ELIGIBLE ENTITY SEEKING A GRANT AWARD MUST SUBMIT A COMPLETE APPLICATION TO THE OFFICE. AT A MINIMUM, THE GRANT APPLICATION MUST:

(a) DESCRIBE THE COMMUNITY-BASED NONPROFIT ORGANIZATION THAT THE APPLICANT HAS PARTNERED WITH AND HOW FUNDS WILL BE ALLOCATED AMONG THE APPLICANT AND ITS PARTNER NONPROFIT ORGANIZATION, IF APPLICABLE;

(b) DESCRIBE THE PROJECT THAT WILL BE FUNDED WITH A GRANT AWARD, INCLUDING:

(I) WHICH PROGRAM GOAL, AS DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION, IS FURTHERED BY THE PROPOSED PROJECT; AND

(II) HOW THE PROJECT ALIGNS WITH PROGRAM GOALS DESCRIBED IN THIS SECTION AND THE ANNUAL GRANT PRIORITIES DETERMINED BY THE DEPARTMENT;

(c) DEMONSTRATE THAT THE APPLICANT HAS SUFFICIENT AUTHORITY AND CAPACITY TO IMPLEMENT THE PROJECT OUTLINED IN THE APPLICANT'S GRANT PROPOSAL, INCLUDING THE CAPABILITY TO ENGAGE THE PARTICIPANTS THE APPLICANT PROPOSES TO INCLUDE IN THE PROJECT; AND

(d) DESCRIBE ANY POTENTIAL IMPACTS OF THE PROJECT ON INDIVIDUALS' PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES AND EXPLAIN HOW THE APPLICANT WILL PREVENT OR MITIGATE THOSE IMPACTS AND ADMINISTER THE APPLICANT'S PROJECTS IN A NONDISCRIMINATORY MANNER.

(5) (a) THE OFFICE SHALL:

(I) ACCEPT AND REVIEW GRANT APPLICATIONS;

(II) AWARD GRANTS IN ACCORDANCE WITH THE CRITERIA ESTABLISHED BY RULES PROMULGATED BY THE DEPARTMENT AND DETERMINE THE AMOUNT, BASED ON AVAILABLE APPROPRIATIONS, THAT WILL BE AWARDED TO EACH GRANT RECIPIENT; AND

(III) VERIFY THAT GRANT RECIPIENTS ARE COMPLYING WITH THE REQUIREMENTS OF THE PROGRAM.

(b) THE OFFICE SHALL INCLUDE IN EACH GRANT AWARD ANY PROJECT PERFORMANCE MEASURES THAT THE GRANT RECIPIENT MUST REPORT TO THE OFFICE.

(6)(a) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH THE PROGRAM TO SUPPORT THE PROPOSED PROJECT INCLUDED IN THE GRANT APPLICATION, AND UP TO FIVE PERCENT OF THE AWARD MAY BE USED FOR MANAGEMENT AND ADMINISTRATION OF THE GRANT FUNDS. GRANT RECIPIENTS SHALL NOT USE ANY PART OF A GRANT AWARD AS MATCHING FUNDS FOR OTHER GRANTS OR COOPERATIVE AGREEMENTS OR FOR LOBBYING EFFORTS, LITIGATION COSTS, OR INTERVENTION IN REGULATORY OR ADJUDICATORY PROCEEDINGS.

(b) A GRANT RECIPIENT SHALL SUBMIT A QUARTERLY REPORT TO THE OFFICE THAT DESCRIBES ANY USE OF GRANT MONEY AND WHETHER THE PROJECT HAS MET ANY PERFORMANCE MEASURES IDENTIFIED IN THE GRANT APPLICATION OR SET BY THE OFFICE IN THE GRANT AWARD.

(7) (a) ON OR BEFORE JULY 31, 2023, AND ON OR BEFORE JULY 31 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY CONCERNING THE ACTIVITIES OF THE PROGRAM DURING THE PRIOR STATE FISCAL YEAR. THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION ABOUT THE PROGRAM:

(I) THE NUMBER AND AMOUNT OF GRANTS AWARDED;

(II) THE NUMBER OF COUNTIES IMPACTED BY GRANT AWARDS; AND

(III) WHETHER GRANT RECIPIENTS ARE MEETING PROJECT PERFORMANCE MEASURES AND OVERALL PROGRAM GOALS.

(b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENT IN THIS SECTION CONTINUES INDEFINITELY.

(8) (a) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE ONE MILLION DOLLARS TO THE DEPARTMENT TO IMPLEMENT THE PROGRAM.

(b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION.

SECTION 2. Appropriation. (1) For the 2022-23 state fiscal year, \$1,000,000 is appropriated to the department of public safety for use by the division of homeland security and emergency management. This appropriation is from the general fund. To implement this act, the division may use this appropriation as follows:

(a) \$29,615 for personal services related to the office of prevention and security, which amount is based on an assumption that the office will require an additional 0.5 FTE;

(b) \$7,550 for operating expenses related to the office of prevention and security; and

(c) \$962,835 for program administration related to the office of preparedness, which amount is based on an assumption that the office will require an additional 0.5 FTE.

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

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO