

CHAPTER 244

CORRECTIONS

HOUSE BILL 18-1409

BY REPRESENTATIVE(S) Lee and Herod, Bridges, Buckner, Coleman, Exum, Gray, Hooton, Jackson, Kennedy, Lontine, Melton, Michaelson Jenet, Pabon, Pettersen, Rosenthal, Salazar, Weissman, Winter, Young, Duran; also SENATOR(S) Lundberg and Fields, Priola, Court, Kefalas, Martinez Humenik, Moreno, Tate, Todd.

AN ACT**CONCERNING THE CREATION OF THE COMMUNITY CRIME VICTIMS GRANT PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Victimization, particularly from violent crime, is a recognized public health problem. Unfortunately, victimization is rarely an isolated experience, and people who have been victimized in the past have a higher risk for future victimization.

(b) The impacts of victimization can extend significantly beyond the immediate impact of the crime and have long-term negative effects on a victim's physical and mental well-being, personal relationships, productivity, earning potential, and life expectancy;

(c) Currently, most victims' services are offered or funded by criminal justice or other administrative agencies. Although this model has many benefits and is able to serve many crime victims, there remains populations of crime victims who are hard to reach through the current model or who are limited in their ability to access victims' services under the current model.

(d) These limitations can result in gaps in support for crime victims, particularly those victims who have been historically underserved or who are unlikely to seek services under the current model, including people of color, men, and young adults; and

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

(e) A community-based, public-health approach can supplement the current model by broadening the reach of victims' services, particularly in the area of prevention of repeat victimization.

(2) Now, therefore, the general assembly declares that:

(a) The purpose of this act is to create a five-year pilot program to expand community-based support services for victims and other interventions aimed at reducing repeat victimization;

(b) The model devised in this legislation is based on the successful grant program enacted in House Bill 14-1355 to provide community-based reentry services for people leaving prison;

(c) In 2018, the department of regulatory affairs submitted its sunset review report and recommended reauthorization of the House Bill 14-1355 grant program. The reauthorization is being considered by the general assembly as House Bill 18-1176.

(d) The community reentry grant program created in House Bill 14-1355, enacted in 2014, uses a third-party grant administrator because this model helps engage smaller community and faith-based organizations that are usually unable to access traditional grant money despite being competent at serving their communities. The third-party grant administrator provides grantees with infrastructure, including case management, financial management, and data collection systems; helps grantees develop policies and procedures to comply with grant requirements; and offers ongoing technical assistance during the grant period.

(e) This third-party grant administrator model has been proven to be effective not only with regard to House Bill 14-1355 but also with regard to federal grant programs that are aimed specifically at better serving underserved communities, particularly communities of color.

SECTION 2. In Colorado Revised Statutes, **add** part 8 to article 20.5 of title 25 as follows:

PART 8
COMMUNITY CRIME VICTIMS GRANT PROGRAM

25-20.5-801. Community crime victims grant program - created. (1) SUBJECT TO AVAILABLE APPROPRIATIONS, ON AND AFTER JULY 1, 2018, THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE COMMUNITY CRIME VICTIMS GRANT PROGRAM, REFERRED TO IN THIS PART 8 AS THE "GRANT PROGRAM", TO PROVIDE FUNDING TO ELIGIBLE ENTITIES THAT PROVIDE SUPPORT SERVICES TO CRIME VICTIMS, AS DEFINED IN SECTION 24-4.1-302 (5), AND A VICTIM'S IMMEDIATE FAMILY, AS DEFINED IN SECTION 24-4.1-302 (6), AND OTHER INTERVENTIONS THAT ARE INTENDED TO REDUCE REPEAT VICTIMIZATION. THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM IN ACCORDANCE WITH POLICIES DEVELOPED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(2) ON OR BEFORE JULY 1, 2018, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT

SHALL DEVELOP POLICIES FOR THE ADMINISTRATION OF THE GRANT PROGRAM, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(a) A COMPETITIVE PROCESS FOR THE SELECTION OF A THIRD-PARTY GRANT ADMINISTRATOR;

(b) THE CONTENT AND TIMING OF STATUS REPORTS PROVIDED BY THE THIRD-PARTY GRANT ADMINISTRATOR TO THE DEPARTMENT; AND

(c) GRANT GUIDELINES AND ELIGIBILITY CRITERIA FOR APPLICANTS INCLUDING CRITERIA THAT PRIORITIZE UNDERSERVED CRIME VICTIMS, AS DEFINED IN SECTION 24-4.1-302 (5), AND A VICTIM'S IMMEDIATE FAMILY, AS DEFINED IN SECTION 24-4.1-302 (6), INCLUDING PEOPLE OF COLOR, YOUNG ADULTS, AND MEN.

(3) THE THIRD-PARTY GRANT ADMINISTRATOR MUST BE SELECTED ON OR BEFORE SEPTEMBER 2, 2018, AND THE CONTRACT BETWEEN THE DEPARTMENT AND THE THIRD-PARTY GRANT ADMINISTRATOR MUST BE FINALIZED ON OR BEFORE JANUARY 1, 2019. THE THIRD-PARTY GRANT ADMINISTRATOR MUST:

(a) BE A NONPROFIT ORGANIZATION IN GOOD STANDING WITH THE SECRETARY OF STATE'S OFFICE;

(b) HAVE EXPERIENCE AS A THIRD-PARTY ADMINISTRATOR FOR A STATE, MULTISTATE, OR FEDERAL GRANT PROGRAM;

(c) BE CAPABLE OF PROVIDING A UNIFIED CASE MANAGEMENT, FINANCIAL, AND DATA COLLECTION SYSTEM RELATED TO SERVICES AND PAYMENTS RECEIVED UNDER THE GRANT PROGRAM;

(d) BE CAPABLE OF PROVIDING TECHNICAL ASSISTANCE AND OTHER ORGANIZATIONAL DEVELOPMENT TO GRANTEEES TO IMPROVE DELIVERY OF SERVICES, FINANCIAL MANAGEMENT, OR DATA COLLECTION; AND

(e) HAVE EXPERIENCE AND COMPETENCY IN WORKING IN UNDERSERVED COMMUNITIES, PARTICULARLY COMMUNITIES OF COLOR.

(4) IN AWARDING GRANTS FROM THE GRANT PROGRAM EACH FISCAL YEAR, THE DEPARTMENT SHALL RELEASE AS MUCH AS ONE-QUARTER OF THE AMOUNT ANNUALLY APPROPRIATED TO THE GRANT PROGRAM TO THE THIRD-PARTY GRANT ADMINISTRATOR AT THE TIME THE INITIAL CONTRACT IS EXECUTED AND AT THE BEGINNING OF EACH FISCAL YEAR.

(5) ON OR BEFORE JANUARY 15, 2019, THE THIRD-PARTY GRANT ADMINISTRATOR SHALL DEVELOP THE FOLLOWING, SUBJECT TO APPROVAL BY THE DEPARTMENT:

(a) A COMPETITIVE REQUEST FOR PROPOSAL PROCESS AND TIMELINE WHEREBY AN ELIGIBLE ENTITY MAY APPLY FOR A GRANT CONSISTENT WITH THE POLICIES DEVELOPED BY THE DEPARTMENT;

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

(c) PERFORMANCE METRICS AND DATA COLLECTION TO BE REQUIRED OF GRANTEES.

(6) THE GRANT ADMINISTRATOR SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT ON WHETHER TO AWARD OR DENY A GRANT AND SHALL PROVIDE WRITTEN RATIONALE EACH GRANT CYCLE TO THE DEPARTMENT. AFTER THE REVIEW OF THE RECOMMENDATIONS, THE DEPARTMENT SHALL AWARD OR DENY A GRANT.

(7) PERMISSIBLE USES OF GRANT MONEY PROVIDED PURSUANT TO THE GRANT PROGRAM INCLUDE DIRECT SERVICES TO CRIME VICTIMS, AS DEFINED IN SECTION 24-4.1-302 (5), AND A VICTIM'S IMMEDIATE FAMILY, AS DEFINED IN SECTION 24-4.1-302 (6), RESTORATIVE JUSTICE, AND OTHER INTERVENTIONS INTENDED TO REDUCE REPEAT VICTIMIZATION.

(8) (a) TO BE ELIGIBLE TO RECEIVE A GRANT FROM THE GRANT PROGRAM, AN ENTITY MUST BE:

(I) A NONPROFIT ORGANIZATION IN GOOD STANDING AND REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE COLORADO SECRETARY OF STATE'S OFFICE;

(II) A SCHOOL;

(III) A TRIBAL AGENCY OR PROGRAM; OR

(IV) A PROFESSIONAL WHO IS REGULATED BY THE DEPARTMENT OF REGULATORY AGENCIES.

(b) A GRANTEE MAY NOT DECLINE TO SERVE A VICTIM BASED UPON:

(I) WHETHER THE VICTIM REPORTED THE CRIME TO LAW ENFORCEMENT OR COOPERATED IN ANY PROSECUTION;

(II) THE LENGTH OF TIME THAT HAS ELAPSED SINCE THE VICTIMIZATION; OR

(III) THE LOCATION OF THE VICTIMIZATION.

(c) A GRANT APPLICANT SHALL DEMONSTRATE THAT IT HAS OR WILL HAVE A SCREENING TOOL OR SCREENING PROCESS IN PLACE SO THAT A CREDIBLE DETERMINATION CAN BE MADE THAT THE PERSON SEEKING SERVICES HAS BEEN A VICTIM OF CRIME, AS DEFINED IN SECTION 24-4.1-302 (5).

25-20.5-802. Repeal of part - sunset review. THIS PART 8 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023. BEFORE ITS REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE GRANT PROGRAM IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 3. In Colorado Revised Statutes, 24-34-104, add (24)(a)(X) as follows:

24-34-104. General assembly review of regulatory agencies and functions for

repeal, continuation, or reestablishment - legislative declaration - repeal.

(24) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2023:

(X) THE COMMUNITY CRIME VICTIMS GRANT PROGRAM CREATED IN SECTION 25-20.5-801.

SECTION 4. In Colorado Revised Statutes, 24-32-120, **repeal** (5) as follows:

24-32-120. Justice reinvestment crime prevention initiative - program - rules - reports - repeal. (5) (a) ~~The parole savings fund, referred to in this subsection (5) as the "fund", is hereby created in the state treasury. The fund consists of money generated by savings created in enacting House Bill 17-1326 and appropriated to the fund by the general assembly.~~

~~(b) The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.~~

~~(c) The state treasurer shall transfer any unexpended and unencumbered money remaining in the fund at the end of a fiscal year to the general fund.~~

~~(d) Subject to annual appropriation by the general assembly, the division of local government may expend money from the fund to provide small business lending and grants aimed at reducing crime and promoting community development in the target communities of north Aurora and southeast Colorado Springs.~~

~~(e) Subject to annual appropriation by the general assembly, the department of corrections may expend money from the fund for external capacity if the anticipated reduction in the use of private prison beds from the parole changes enacted in House Bill 17-1326 are not achieved.~~

SECTION 5. Appropriation to the department of corrections for the fiscal year beginning July 1, 2017. In Session Laws of Colorado 2017, section 8 of chapter 394, (HB 17-1326), **amend** the introductory portion to (4); and **repeal** (4)(d) as follows:

Section 8. **Appropriation - adjustments to 2017 long bill.** (4) For the 2017-18 state fiscal year, \$5,865,182 \$4,104,042 is appropriated to the department of local affairs. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(d) \$1,761,140 to the parole savings fund created in section 24-32-120 (5);

SECTION 6. Appropriation. For the 2018-19 state fiscal year, \$880,570 is appropriated to the department of public health and environment for use by the prevention services division. This appropriation is from the general fund. To implement this act, the division may use this appropriation for the community crime victims grant program.

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

Approved: May 24, 2018