

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0227.01 Shelby Ross x4510

HOUSE BILL 22-1077

HOUSE SPONSORSHIP

Michaelson Jenet and Jodeh,

SENATE SPONSORSHIP

Priola and Hansen,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COLORADO NONPROFIT SECURITY**
102 **GRANT PROGRAM FOR QUALIFIED NONPROFIT ORGANIZATIONS**
103 **AT HIGH RISK OF A TERRORIST ATTACK WHO APPLIED FOR BUT**
104 **DID NOT RECEIVE A GRANT FROM THE FEDERAL NONPROFIT**
105 **SECURITY GRANT PROGRAM, AND, IN CONNECTION THEREWITH,**
106 **MAKING AN APPROPRIATION.**

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 Colorado nonprofit security grant program to

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.

HOUSE
Amended 2nd Reading
April 26, 2022

provide money to qualified nonprofit organizations that are at high risk of a terrorist attack and that applied for, but did not receive, a grant from the federal nonprofit security grant program. Grant recipients may use the money for physical security enhancements and other security-related activities.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) The federal nonprofit security grant program (NSGP)
5 administered by the federal emergency management agency provides
6 funding for physical security enhancements and other security-related
7 activities to qualified nonprofit organizations that are at high risk of a
8 terrorist attack. These nonprofit organizations, including houses of
9 worship, have been able to apply for funding to protect against these
10 attacks through the federal NSGP, but current funding levels are not
11 sufficient for the demand.

12 (b) In 2021, 3,361 nonprofit organizations applied to the federal
13 NSGP for a total of \$400 million, but only 1,532 applications were
14 approved, receiving a combined total of \$180 million - the amount
15 budgeted for the federal NSGP. In Colorado, 51 nonprofit organizations
16 applied for a total of \$6,579,875, but only 10 nonprofit organizations
17 were approved, receiving a combined total of \$1,113,774.

18 (c) From 2019 to 2020, hate crimes in Colorado increased by
19 22.3% from 279 to 340, the highest number since these statistics were
20 recorded. Nationally, hate crimes increased by 13% from 7,287 to 8,263.
21 Of that amount, 2,433 targeted property, including 292 targeting houses
22 of worship, 228 targeting schools, 108 targeting medical facilities, 33
23 targeting community centers, and 6 targeting day care facilities.

1 (d) Extremists with the potential to take violent action pose a high
2 risk to minority communities in Colorado. In November 2019, the federal
3 bureau of investigation foiled an attempted bombing of Temple Emanuel
4 in Pueblo, Colorado. That same month, Denver police apprehended an
5 individual menacing congregants with weapons outside of the Downtown
6 Denver Islamic Center.

7 (2) Therefore, the general assembly declares it is important for
8 Colorado to create a state-funded nonprofit security grant program to
9 ensure that more Colorado-based nonprofit organizations receive grants
10 to complete potentially life-saving projects that thwart off potential
11 terrorist attacks in the future.

12 **SECTION 2.** In Colorado Revised Statutes, **add 24-33.5-1620** as
13 follows:

14 **24-33.5-1620. Colorado nonprofit security grant program -**
15 **rules - definitions - appropriation.** (1) AS USED IN THIS SECTION,
16 UNLESS THE CONTEXT OTHERWISE REQUIRES:

17 (a) "FEDERAL PROGRAM" MEANS THE FEDERAL NONPROFIT
18 SECURITY GRANT PROGRAM ADMINISTERED BY THE FEDERAL EMERGENCY
19 MANAGEMENT AGENCY.

20 (b) "GRANT PROGRAM" MEANS THE COLORADO NONPROFIT
21 SECURITY GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

22 (2) **Program created - allowable costs - rules.** (a) THERE IS
23 CREATED IN THE DIVISION THE COLORADO NONPROFIT SECURITY GRANT
24 PROGRAM TO PROVIDE GRANTS TO NONPROFIT ORGANIZATIONS FOR
25 PHYSICAL SECURITY ENHANCEMENTS AND OTHER SECURITY-RELATED
26 ACTIVITIES.

27 (b) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED FOR

1 SECURITY-RELATED ACTIVITIES, INCLUDING BUT NOT LIMITED TO:

2 (I) THE INSTALLATION OF SECURITY EQUIPMENT ON REAL
3 PROPERTY OWNED OR LEASED BY THE NONPROFIT ORGANIZATION;

4 (II) SECURITY-RELATED PLANNING, EXERCISES, TRAINING, AND
5 CONTRACTED SECURITY PERSONNEL;

6 (III) NEW OR EXISTING INFRASTRUCTURE; EXCEPT THAT PRIORITY
7 MUST BE GIVEN TO EXISTING INFRASTRUCTURE PROJECTS; OR

8 (IV) ANY OTHER SECURITY ENHANCEMENTS APPROVED BY THE
9 DIVISION AND IN ACCORDANCE WITH THE ALLOWABLE COSTS UNDER THE
10 FEDERAL PROGRAM.

11 (c) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM, AND,
12 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
13 PROVIDED IN THIS SECTION; EXCEPT THAT A GRANT AWARD MAY NOT BE
14 GREATER THAN FIFTY THOUSAND DOLLARS.

15 (d) NO LATER THAN AUGUST 30, 2022, THE DIRECTOR SHALL
16 PROMULGATE RULES NECESSARY TO IMPLEMENT THE GRANT PROGRAM. AT
17 A MINIMUM, THE RULES MUST SPECIFY:

18 (I) THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF
19 THE GRANT PROGRAM APPLICATION, THE CRITERIA FOR EVALUATING THE
20 FINANCIAL NEED OF GRANT APPLICANTS, THE TIME FRAMES FOR
21 DISTRIBUTING GRANT MONEY, AND REQUIREMENTS FOR REPORTS FROM
22 GRANT RECIPIENTS; AND

23 (II) THAT A GRANT RECIPIENT MUST HAVE SUBMITTED AN
24 APPLICATION FOR, BUT NOT BEEN SELECTED TO RECEIVE, A GRANT UNDER
25 THE FEDERAL PROGRAM.

26 (e) NO LATER THAN DECEMBER 1, 2022, THE DIVISION SHALL
27 BEGIN ACCEPTING APPLICATIONS IN ACCORDANCE WITH THE RULES

1 PROMULGATED IN ACCORDANCE WITH SUBSECTION (2)(d) OF THIS SECTION.

2 (3) **Application - criteria - award.** (a) TO RECEIVE A GRANT, A
3 NONPROFIT ORGANIZATION SHALL SUBMIT AN APPLICATION TO THE
4 DIVISION IN ACCORDANCE WITH THE RULES PROMULGATED PURSUANT TO
5 SUBSECTION (2)(d) OF THIS SECTION.

6 (b) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED IN
7 ACCORDANCE WITH THIS SECTION. IN AWARDING THE GRANTS, THE
8 DIVISION SHALL CONSIDER THE FINANCIAL NEED OF THE APPLICANT, AS
9 DETERMINED IN ACCORDANCE WITH THE RULES PROMULGATED PURSUANT
10 TO SUBSECTION (2)(d) OF THIS SECTION.

11 (c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIVISION SHALL
12 AWARD GRANTS AS PROVIDED IN THIS SECTION. THE DIVISION SHALL
13 ANNOUNCE GRANT AWARDS ON ITS WEBSITE WITHIN FIVE BUSINESS DAYS
14 AFTER MAKING THE AWARDS. THE DIVISION SHALL DISTRIBUTE THE GRANT
15 MONEY WITHIN THIRTY DAYS AFTER AWARDING THE GRANTS.

16 (4) **Reporting requirement.** EACH GRANT RECIPIENT SHALL
17 SUBMIT THE FOLLOWING INFORMATION TO THE DIVISION IN ACCORDANCE
18 WITH THE RULES PROMULGATED PURSUANT TO SUBSECTION (2)(d) OF THIS
19 SECTION:

- 20 (a) A PROJECT IMPLEMENTATION PLAN;
- 21 (b) A QUARTERLY PROGRESS REPORT;
- 22 (c) A SUMMARY REPORT UPON COMPLETION OF THE PROJECT; AND
- 23 (d) ANY REIMBURSEMENT REQUEST.

24 (5) **Appropriation.** BEGINNING IN THE 2022-23 STATE FISCAL
25 YEAR, AND EACH STATE FISCAL YEAR THEREAFTER, THE GENERAL
26 ASSEMBLY SHALL APPROPRIATE █ FIVE HUNDRED THOUSAND DOLLARS
27 FROM THE GENERAL FUND TO THE DEPARTMENT FOR USE BY THE DIVISION

1 FOR THE PURPOSES OF THIS SECTION.

2 **SECTION 3. Appropriation.** For the 2022-23 state fiscal year,
3 \$500,000 is appropriated to the department of public safety for use by the
4 division of homeland security and emergency management. This
5 appropriation is from the general fund and is based on an assumption that
6 the division will require an additional 0.9 FTE. To implement this act, the
7 division may use this appropriation for program administration related to
8 the office of preparedness.

9 **SECTION 4. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.