

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0678.01 Conrad Imel x2313

HOUSE BILL 22-1234

HOUSE SPONSORSHIP

Bacon and Michaelson Jenet,

SENATE SPONSORSHIP

Rodriguez,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING A PREVENTING IDENTITY-BASED**
102 **VIOLENCE GRANT PROGRAM, AND, IN CONNECTION THEREWITH,**
103 **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 establishes the preventing identity-based violence grant program to provide grants for programs that focus on building strong communities and preventing acts of violence that threaten human life or critical infrastructure or key resources in which actors or groups intentionally target a discernible population of individuals or venue in a

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.*

manner that poses a threat to homeland security (identity-based violence). A project funded with a grant award must build awareness for the prevention and intervention of identity-based violence within Colorado communities; strengthen local collaboration and capabilities for prevention and intervention of identity-based violence; or build sustainable support for the prevention and intervention of identity-based violence. A project must not infringe on individual privacy, civil rights, and civil liberties. The bill requires the general assembly to annually appropriate one million dollars to implement the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-1620 as
3 follows:

4 **24-33.5-1620. Preventing identity-based violence grant**
5 **program - creation - report - rules - definitions.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "EDUCATIONAL ENTITY" MEANS A SCHOOL DISTRICT; A BOARD
8 OF COOPERATIVE SERVICES; A DISTRICT CHARTER SCHOOL OR AN
9 INSTITUTE CHARTER SCHOOL OPERATING PURSUANT TO ARTICLE 30.5 OF
10 TITLE 22; A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN
11 SECTION 23-18-102 (10)(a); A LOCAL DISTRICT COLLEGE, CREATED
12 PURSUANT TO ARTICLE 71 OF TITLE 23; AN AREA TECHNICAL COLLEGE, AS
13 DEFINED IN SECTION 23-60-103; OR A PRIVATE INSTITUTION OF HIGHER
14 EDUCATION, AS DEFINED IN SECTION 23-18-102 (9).

15 (b) "ELIGIBLE ENTITY" MEANS A COUNTY, MUNICIPALITY, OR CITY
16 AND COUNTY, AND ANY AGENCY THEREOF; AN AMERICAN INDIAN TRIBE;
17 A LAW ENFORCEMENT AGENCY; A DISTRICT ATTORNEY'S OFFICE; AN
18 EDUCATIONAL ENTITY; AND A NONPROFIT ORGANIZATION THAT IS EXEMPT
19 FROM TAXATION UNDER SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL
20 REVENUE CODE OF 1986", AS AMENDED, WHICH MAY BE A

1 COMMUNITY-BASED NONPROFIT ORGANIZATION THAT HAS EXPERIENCE
2 WORKING WITH THOSE AFFECTED BY IDENTITY-BASED VIOLENCE.

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

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

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

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

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

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

27 (C) BUILDING SUSTAINABLE SUPPORT FOR THE PREVENTION AND

1 INTERVENTION OF IDENTITY-BASED VIOLENCE.

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

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

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

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

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

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

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

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

25 (4) IN ORDER TO RECEIVE A GRANT, AN ELIGIBLE ENTITY THAT IS
26 NOT A COMMUNITY-BASED NONPROFIT ORGANIZATION THAT HAS
27 EXPERIENCE WORKING WITH THOSE AFFECTED BY IDENTITY-BASED

1 VIOLENCE MUST PARTNER WITH A COMMUNITY-BASED NONPROFIT
2 ORGANIZATION WITH THAT EXPERIENCE TO CARRY OUT THE PROJECT
3 FUNDED BY A GRANT AWARD. AN ELIGIBLE ENTITY SEEKING A GRANT
4 AWARD MUST SUBMIT A COMPLETE APPLICATION TO THE OFFICE. AT A
5 MINIMUM, THE GRANT APPLICATION MUST:

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

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

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

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

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

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

27 (5) (a) THE OFFICE SHALL:

1 (I) ACCEPT AND REVIEW GRANT APPLICATIONS;
2 (II) AWARD GRANTS IN ACCORDANCE WITH THE CRITERIA
3 ESTABLISHED BY RULES PROMULGATED BY THE DEPARTMENT AND
4 DETERMINE THE AMOUNT, BASED ON AVAILABLE APPROPRIATIONS, THAT
5 WILL BE AWARDED TO EACH GRANT RECIPIENT; AND

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

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

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

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

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

- 1 (I) THE NUMBER AND AMOUNT OF GRANTS AWARDED;
2 (II) THE NUMBER OF COUNTIES IMPACTED BY GRANT AWARDS; AND
3 (III) WHETHER GRANT RECIPIENTS ARE MEETING PROJECT
4 PERFORMANCE MEASURES AND OVERALL PROGRAM GOALS.

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

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

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

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

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

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

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

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.