

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 5, 2018
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB18-059 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and
2 substitute:
- 3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly hereby finds and declares that:
- 5 (a) Colorado's law enforcement, public safety, and criminal justice
6 personnel operate at an information disadvantage that diminishes their
7 safety and increases the likelihood that community members will be
8 engaged improperly;
- 9 (b) Law enforcement personnel interact daily with a wide variety
10 of people, from law-abiding citizens to frequent offenders, all without
11 reliable information to determine who presents a risk and who does not;
- 12 (c) Law enforcement's information disadvantage can erode public
13 trust when incomplete information leads to improper policing actions. For
14 example, a lack of information can result in an unnecessarily large
15 volume of contacts during an investigation. Also, a lack of information
16 can lead to misinformation that spawns inaccurate BOLO "Be on the
17 Lookout" notices, formerly known as "All Point Bulletins" or APBs.
- 18 (d) This information disadvantage presents issues for law
19 enforcement personnel who are entrusted to uphold public safety while
20 protecting the individual liberties of all people; and
- 21 (e) A major contributing factor to this lack of information is that
22 each agency often has its own independent records-management system.
- 23 (2) Therefore, the general assembly declares that it is necessary to
24 create a statewide information-sharing system for law enforcement, public

1 safety, and criminal justice agencies.

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

4 **24-33.5-1617. Law enforcement, public safety, and criminal**
5 **justice information-sharing grant program - rules - fund created -**
6 **repeal.** (1) THE LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
7 JUSTICE INFORMATION-SHARING GRANT PROGRAM, REFERRED TO WITHIN
8 THIS SECTION AS THE "GRANT PROGRAM", IS CREATED WITHIN THE
9 DIVISION. DURING THE 2018-19 FISCAL YEAR, THE GRANT PROGRAM SHALL
10 AWARD GRANTS, AT THE DISCRETION OF THE DIVISION, FROM THE FUND
11 CREATED IN SUBSECTION (11) OF THIS SECTION TO ANY STATE
12 GOVERNMENTAL ENTITY, STATE QUASI-GOVERNMENTAL ENTITY, OR
13 SEPARATE LEGAL ENTITY FORMED BY AN INTERGOVERNMENTAL
14 AGREEMENT PURSUANT TO SECTION 29-1-203, 20-1-110, OR 20-1-111.

15 (2)(a) EACH GRANTEE SHALL USE MONEY RECEIVED THROUGH THE
16 GRANT PROGRAM FOR ONE OR MORE OF THE FOLLOWING:

17 (I) ENHANCING, MAINTAINING, OPERATING, OR IMPROVING ANY
18 EXISTING STATEWIDE LAW ENFORCEMENT, PUBLIC SAFETY, OR CRIMINAL
19 JUSTICE INFORMATION-SHARING SYSTEM;

20 (II) ASSISTING LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
21 JUSTICE AGENCIES IN GAINING ACCESS TO THE INFORMATION-SHARING
22 SYSTEM; OR

23 (III) INCREASING COMMUNICATION, INTEROPERABILITY, OR DATA
24 SHARING AMONG LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
25 JUSTICE AGENCIES.

26 (b) IN ADDITION TO ANY ONE OF THE PURPOSES DESCRIBED IN
27 SUBSECTION (2)(a) OF THIS SECTION, A GRANTEE MAY USE MONEY
28 RECEIVED THROUGH THE GRANT PROGRAM TO PROVIDE GRANTS TO LAW
29 ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL JUSTICE AGENCIES THAT
30 WANT TO PARTICIPATE IN THE INFORMATION-SHARING SYSTEM.

31 (3) NOT LATER THAN NINE MONTHS AFTER THE EFFECTIVE DATE OF
32 THIS SECTION, THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM
33 PURSUANT TO RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF
34 THIS SECTION, AND, SUBJECT TO AVAILABLE APPROPRIATIONS, THE
35 DIVISION SHALL AWARD GRANTS AS PROVIDED IN SUBSECTION (9) OF THIS
36 SECTION.

37 (4) NOT LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF
38 THIS SECTION, THE EXECUTIVE DIRECTOR SHALL PROMULGATE SUCH RULES
39 AS ARE REQUIRED FOR THE ADMINISTRATION OF THE GRANT PROGRAM. AT
40 A MINIMUM, THE RULES MUST SPECIFY THE TIME FRAMES FOR APPLYING
41 FOR GRANTS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE

1 TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

2 (5) ANY PERSON WHO IS EMPLOYED BY THE DEPARTMENT AND
3 WHO IS AFFILIATED IN ANY WAY WITH A GRANT APPLICANT IS PROHIBITED
4 FROM PARTICIPATING IN THE ADMINISTRATION OF THE GRANT PROGRAM,
5 INCLUDING BUT NOT LIMITED TO THE EVALUATION OF GRANT
6 APPLICATIONS AND THE AWARDING OF GRANTS.

7 (6) (a) FOR THE PURPOSES OF SUBSECTION (2)(a) OF THIS SECTION,
8 ANY GRANT APPLICANT INTENDING TO CONTRACT WITH AN INDEPENDENT
9 CONTRACTOR OR VENDOR AS PART OF A GRANT APPLICATION FOR A GRANT
10 OF FIFTY THOUSAND DOLLARS OR MORE MUST FIRST FACILITATE AN
11 OPEN-BID PROCESS THAT INCLUDES:

12 (I) A PUBLIC NOTICE OR ANNOUNCEMENT FOR SOLICITATION OF
13 PROPOSALS;

14 (II) THE CRITERIA FOR THE SELECTION OF ANY SUCH CONTRACTOR
15 OR VENDOR; AND

16 (III) AMPLE TIME FOR ALL INTERESTED PARTIES TO SUBMIT
17 PROPOSALS.

18 (b) (I) THE DEPARTMENT SHALL ANNOUNCE ON ITS PUBLIC
19 WEBSITE THE AWARDING OF ANY GRANT WITHIN ONE BUSINESS DAY AFTER
20 SUCH AWARD. ANY PARTY MAY CONTEST ANY SUCH AWARD WITHIN
21 FIFTEEN DAYS AFTER THE AWARD ANNOUNCEMENT OR WITHIN FIFTEEN
22 DAYS AFTER THE GRANTEE'S SELECTION OF A CONTRACTOR OR VENDOR,
23 WHICHEVER OCCURS LATER, ON THE GROUNDS THAT THE GRANT
24 APPLICANT'S SELECTION OF A CONTRACTOR OR VENDOR IS ARBITRARY OR
25 CAPRICIOUS BASED UPON THE GRANT APPLICANT'S CRITERIA FOR
26 SELECTING A CONTRACTOR OR VENDOR, AS SUCH CRITERIA APPEARS IN THE
27 GRANT APPLICANT'S GRANT APPLICATION.

28 (II) THE DEPARTMENT SHALL REVIEW ANY GRANT AWARD THAT IS
29 CONTESTED, AND THE DEPARTMENT SHALL REVOKE THE GRANT IF THE
30 DEPARTMENT FINDS THAT THE GRANT APPLICANT'S SELECTION OF A
31 CONTRACTOR OR VENDOR IS ARBITRARY OR CAPRICIOUS BASED UPON THE
32 GRANT APPLICANT'S CRITERIA FOR SELECTING A CONTRACTOR OR VENDOR,
33 AS SUCH CRITERIA APPEARS IN THE GRANT APPLICANT'S GRANT
34 APPLICATION.

35 (7) NOTHING IN THIS SECTION INTERFERES WITH OR IMPAIRS ANY
36 CONTRACTUAL OBLIGATIONS TO DEVELOP OR MAINTAIN A STATEWIDE
37 INFORMATION-SHARING SYSTEM, WHICH CONTRACTUAL OBLIGATIONS ARE
38 EXISTING ON THE EFFECTIVE DATE OF THIS SECTION.

39 (8) TO RECEIVE A GRANT, AN APPLICANT MUST SUBMIT AN
40 APPLICATION TO THE DIVISION IN ACCORDANCE WITH THE RULES
41 PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE

1 DIVISION SHALL REVIEW ANY APPLICATIONS RECEIVED PURSUANT TO THIS
2 SUBSECTION (8).

3 (9) IN DETERMINING TO WHICH APPLICANTS TO AWARD GRANTS,
4 THE DIVISION SHALL CONSIDER:

5 (a) EACH APPLICANT'S CAPACITY TO SERVE LAW ENFORCEMENT,
6 PUBLIC SAFETY, AND CRIMINAL JUSTICE AGENCIES STATEWIDE; AND

7 (b) EACH APPLICANT'S ABILITY TO OPERATE AND MAINTAIN A LAW
8 ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL JUSTICE
9 INFORMATION-SHARING SYSTEM. FOR THE PURPOSE OF THIS SUBSECTION
10 (9)(b), EACH APPLICANT FOR A GRANT SHALL SUBMIT PROOF THAT THE
11 APPLICANT CAN PROVIDE A COHESIVE, COMPREHENSIVE, AND
12 SUSTAINABLE SYSTEM TO SUPPORT THE CURRENT LAW ENFORCEMENT
13 INFRASTRUCTURE.

14 (10) EACH GRANTEE SHALL AGREE TO:

15 (a) SUBMIT TO AN AUDIT BY THE STATE AUDITOR OF ANY USE OF
16 GRANT MONEY RECEIVED FROM THE GRANT PROGRAM IF SUCH AN AUDIT
17 IS REQUESTED BY THE GENERAL ASSEMBLY FOR THE PURPOSE OF ENSURING
18 TRANSPARENCY AND ACCOUNTABILITY; AND

19 (b) REPORT ANNUALLY TO THE DIVISION TO FACILITATE THE
20 DEPARTMENT'S ANNUAL REPORT TO THE COMMITTEES OF REFERENCE,
21 PURSUANT TO SECTION 2-3-703, AND THE DEPARTMENT'S
22 COMMUNICATIONS WITH THE JOINT BUDGET COMMITTEE CONCERNING
23 GRANT MONEY.

24 (11)(a) THE LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
25 JUSTICE INFORMATION-SHARING GRANT PROGRAM FUND, REFERRED TO IN
26 THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE
27 FUND CONSISTS OF MONEY APPROPRIATED TO THE FUND PURSUANT TO
28 SUBSECTION (11)(e) OF THIS SECTION AND ANY OTHER MONEY THAT THE
29 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

30 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
31 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
32 FUND TO THE FUND.

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

36 (d) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
37 AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2021, TO THE
38 GENERAL FUND.

39 (e) FOR THE 2018-19 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL
40 APPROPRIATE ONE MILLION NINE HUNDRED THOUSAND DOLLARS TO THE
41 FUND FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION

1 39-28.8-501. THE DIVISION MAY EXPEND MONEY FROM THE FUND FOR THE
2 PURPOSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

3 (12) EACH RECIPIENT OF A GRANT FROM THE GRANT PROGRAM IS
4 PROHIBITED FROM SELLING ANY DATA TO ANY PRIVATE PARTY.

5 (13) NOTHING IN THIS SECTION ALTERS ANY PROVISION OF ARTICLE
6 72 OF THIS TITLE 24.

7 (14) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2021.

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

10 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
11 **- legislative declaration - repeal.** (2) (b) (IV) Subject to the limitation
12 in subsection (5) of this section, the general assembly may annually
13 appropriate any money in the fund for any fiscal year following the fiscal
14 year in which it was received by the state for the following purposes:

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

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

21 (O) TO FUND GRANTS FROM THE LAW ENFORCEMENT, PUBLIC
22 SAFETY, AND CRIMINAL JUSTICE INFORMATION-SHARING GRANT PROGRAM
23 CREATED IN SECTION 24-33.5-1617 FOR THE 2018-19 FISCAL YEAR, BASED
24 ON RECOMMENDATIONS OF THE JOINT BUDGET COMMITTEE OR THE
25 LEGISLATIVE AUDIT COMMITTEE. THIS SUBSECTION (2)(b)(IV)(O) IS
26 REPEALED, EFFECTIVE JULY 1, 2021.

27 **SECTION 4. Safety clause.** The general assembly hereby finds,
28 determines, and declares that this act is necessary for the immediate
29 preservation of the public peace, health, and safety."

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