

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 18-0605.01 Richard Sweetman x4333

SENATE BILL 18-059

SENATE SPONSORSHIP

Fields,

HOUSE SPONSORSHIP

Pabon,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CREATION OF A PUBLIC SAFETY INFORMATION-SHARING**
102 **SYSTEM.**

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 law enforcement information-sharing grant program (grant program) within the division of homeland security and emergency management (division). The grant program shall provide a grant to a consortium of at least 50 law enforcement agencies in the state for the purpose of operating and maintaining a law enforcement information-sharing system.

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.

The bill requires the executive director of the department of public safety to promulgate rules for the administration of the grant program. At a minimum, the rules must specify the time frames for applying for grants, the form of the grant program application, and the time frames for distributing grant money. In determining whether to award a grant, the division shall consider:

- ! The applicant's capacity to serve law enforcement agencies statewide;
- ! The applicant's ability to operate and maintain a law enforcement information-sharing system; and
- ! The applicant's ability to make necessary investments in a law enforcement information-sharing system.

The bill creates the law enforcement information-sharing grant program fund (fund) and directs the general assembly to appropriate \$1.9 million to the fund from the marijuana tax cash fund for the 2018-19 fiscal year.

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

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

4 (a) Colorado's law enforcement, public safety, and criminal justice
5 personnel operate at an information disadvantage that diminishes their
6 safety and increases the likelihood that community members will be
7 engaged improperly;

8 (b) Law enforcement personnel interact daily with a wide variety
9 of people, from law-abiding citizens to frequent offenders, all without
10 reliable information to determine who presents a risk and who does not;

11 (c) Law enforcement's information disadvantage can erode public
12 trust when incomplete information leads to improper policing actions. For
13 example, a lack of information can result in an unnecessarily large
14 volume of contacts during an investigation. Also, a lack of information
15 can lead to misinformation that spawns inaccurate BOLO "Be on the
16 Lookout" notices, formerly known as "All Point Bulletins" or APBs.

1 (d) This information disadvantage presents issues for law
2 enforcement personnel who are entrusted to uphold public safety while
3 protecting the individual liberties of all people; and

4 (e) A major contributing factor to this lack of information is that
5 each agency often has its own independent records-management system.

6 (2) Therefore, the general assembly declares that it is necessary to
7 create a statewide information-sharing system for law enforcement, public
8 safety, and criminal justice agencies.

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

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

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

24 (I) ENHANCING, MAINTAINING, OPERATING, OR IMPROVING ANY
25 EXISTING STATEWIDE LAW ENFORCEMENT, PUBLIC SAFETY, OR CRIMINAL
26 JUSTICE INFORMATION-SHARING SYSTEM;

27 (II) ASSISTING LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL

1 JUSTICE AGENCIES IN GAINING ACCESS TO THE INFORMATION-SHARING
2 SYSTEM; OR

3 (III) INCREASING COMMUNICATION, INTEROPERABILITY, OR DATA
4 SHARING AMONG LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
5 JUSTICE AGENCIES.

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

11 (3) NOT LATER THAN NINE MONTHS AFTER THE EFFECTIVE DATE OF
12 THIS SECTION, THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM
13 PURSUANT TO RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF
14 THIS SECTION, AND, SUBJECT TO AVAILABLE APPROPRIATIONS, THE
15 DIVISION SHALL AWARD GRANTS AS PROVIDED IN SUBSECTION (9) OF THIS
16 SECTION.

17 (4) NOT LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF
18 THIS SECTION, THE EXECUTIVE DIRECTOR SHALL PROMULGATE SUCH RULES
19 AS ARE REQUIRED FOR THE ADMINISTRATION OF THE GRANT PROGRAM. AT
20 A MINIMUM, THE RULES MUST SPECIFY THE TIME FRAMES FOR APPLYING
21 FOR GRANTS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE
22 TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

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

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

6 (I) A PUBLIC NOTICE OR ANNOUNCEMENT FOR SOLICITATION OF
7 PROPOSALS;

8 (II) THE CRITERIA FOR THE SELECTION OF ANY SUCH CONTRACTOR
9 OR VENDOR; AND

10 (III) AMPLE TIME FOR ALL INTERESTED PARTIES TO SUBMIT
11 PROPOSALS.

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

22 (II) THE DEPARTMENT SHALL REVIEW ANY GRANT AWARD THAT IS
23 CONTESTED, AND THE DEPARTMENT SHALL REVOKE THE GRANT IF THE
24 DEPARTMENT FINDS THAT THE GRANT APPLICANT'S SELECTION OF A
25 CONTRACTOR OR VENDOR IS ARBITRARY OR CAPRICIOUS BASED UPON THE
26 GRANT APPLICANT'S CRITERIA FOR SELECTING A CONTRACTOR OR VENDOR,
27 AS SUCH CRITERIA APPEARS IN THE GRANT APPLICANT'S GRANT

1 APPLICATION.

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

6 (8) TO RECEIVE A GRANT, AN APPLICANT MUST SUBMIT AN
7 APPLICATION TO THE DIVISION IN ACCORDANCE WITH THE RULES
8 PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE
9 DIVISION SHALL REVIEW ANY APPLICATIONS RECEIVED PURSUANT TO THIS
10 SUBSECTION (8).

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

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

15 (b) EACH APPLICANT'S ABILITY TO OPERATE AND MAINTAIN A LAW
16 ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL JUSTICE
17 INFORMATION-SHARING SYSTEM. FOR THE PURPOSE OF THIS SUBSECTION
18 (9)(b), EACH APPLICANT FOR A GRANT SHALL SUBMIT PROOF THAT THE
19 APPLICANT CAN PROVIDE A COHESIVE, COMPREHENSIVE, AND
20 SUSTAINABLE SYSTEM TO SUPPORT THE CURRENT LAW ENFORCEMENT
21 INFRASTRUCTURE.

22 (10) EACH GRANTEE SHALL AGREE TO:

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

27 (b) REPORT ANNUALLY TO THE DIVISION TO FACILITATE THE

1 DEPARTMENT'S ANNUAL REPORT TO THE COMMITTEES OF REFERENCE,
2 PURSUANT TO SECTION 2-3-703, AND THE DEPARTMENT'S
3 COMMUNICATIONS WITH THE JOINT BUDGET COMMITTEE CONCERNING
4 GRANT MONEY.

5 (11) (a) THE LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
6 JUSTICE INFORMATION-SHARING GRANT PROGRAM FUND, REFERRED TO IN
7 THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE
8 FUND CONSISTS OF MONEY APPROPRIATED TO THE FUND PURSUANT TO
9 SUBSECTION (11)(e) OF THIS SECTION AND ANY OTHER MONEY THAT THE
10 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

11 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
12 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
13 FUND TO THE FUND.

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

17 (d) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
18 AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2021, TO THE
19 GENERAL FUND.

20 (e) FOR THE 2018-19 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL
21 APPROPRIATE ONE MILLION NINE HUNDRED THOUSAND DOLLARS TO THE
22 FUND FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION
23 39-28.8-501. THE DIVISION MAY EXPEND MONEY FROM THE FUND FOR THE
24 PURPOSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

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

27 (13) NOTHING IN THIS SECTION ALTERS ANY PROVISION OF ARTICLE

1 72 OF THIS TITLE 24.

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

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

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

10 (M) For the expenses of the department of education and the
11 department of public health and environment in developing and
12 maintaining the resource bank for educational materials on marijuana and
13 providing technical assistance as required in section 22-2-127.7; and

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

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

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