

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 21-1030

BY REPRESENTATIVE(S) McCluskie and McKean, Baisley, Bird, Bockenfeld, Carver, Catlin, Cutter, Kennedy, Kipp, Larson, Lontine, Michaelson Jenet, Pelton, Rich, Roberts, Sandridge, Soper, Titone, Van Winkle, Will, Young, Amabile, Bernett, Boesenecker, Duran, Esgar, Exum, Froelich, Geitner, Hooton, Jackson, Jodeh, McCormick, McLachlan, Mullica, Ortiz, Ricks, Snyder, Sullivan, Tipper, Valdez A., Weissman, Hanks, Herod, Lynch, Pico, Valdez D., Garnett;
also SENATOR(S) Buckner and Cooke, Danielson, Fenberg, Kirkmeyer, Kolker, Liston, Priola, Rankin, Story, Zenzinger, Bridges, Coram, Ginal, Hansen, Jaquez Lewis, Moreno, Pettersen, Simpson, Smallwood, Sonnenberg, Woodward.

CONCERNING EXPANDING THE PEACE OFFICERS BEHAVIORAL HEALTH SUPPORT GRANT PROGRAM TO INCLUDE COMMUNITY PARTNERSHIPS, 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) Colorado peace officers have been asked for many years to

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

respond to a magnitude of societal issues that far exceed what law enforcement can address. Law enforcement personnel care deeply about the safety and well-being of the communities they serve, but law enforcement personnel cannot shoulder the responsibility of addressing community challenges that impact crime rates, such as unemployment, high school dropout rates, homelessness, or people in crisis due to behavioral health disorders, without strong and coordinated community partnerships.

(b) The extensive use of law enforcement resources for social issues can strain law enforcement and community relations and result in crime victims being underserved. Each call for service from Colorado's citizens must be answered with the utmost compassion and professional expertise, which requires partnership. Communities throughout Colorado have been piloting a number of such partnerships with first responders and community-based organizations. These programs and training are showing great benefit to communities, and now is the time for Colorado to support local communities in creating and sustaining these initiatives throughout the state.

(c) Locally driven and innovative programs that leverage partnerships between safety net care providers and first responders are effective and critical strategies for bolstering overall community resilience, connecting people to care, and preventing criminal justice involvement and recidivism; and

(d) With the current public health crisis exacerbating existing systemic inequities, we must pivot away from overutilizing the criminal justice system for what are public health and social determinants of health needs and utilize other community resources in a richer way to be leaders in the solution to these challenges.

(2) Therefore, the general assembly finds and declares that investing in community-based public safety partnerships will allow for a wider spectrum of responses to calls for service by fostering coordination with behavioral health clinicians, emergency medical service providers, community resource and housing navigators, and others. By diversifying the available tools for individuals responding to calls for service, Colorado can better support the needs of its residents.

SECTION 2. In Colorado Revised Statutes, **amend** 24-32-3501 as

follows:

24-32-3501. Peace officers behavioral health support and community partnerships grant program - created - report - rules - fund - definitions - repeal. (1) There is created in the department of local affairs, referred to in this section as the "department", the peace officers ~~mental~~ BEHAVIORAL health support AND COMMUNITY PARTNERSHIPS grant program to provide grants ~~of money to eligible agencies~~ LAW ENFORCEMENT AGENCIES, BEHAVIORAL HEALTH ENTITIES, COUNTY OR DISTRICT PUBLIC HEALTH AGENCIES, COMMUNITY-BASED SOCIAL SERVICE AND BEHAVIORAL HEALTH PROVIDERS, PEACE OFFICER ORGANIZATIONS, AND PUBLIC SAFETY AGENCIES for the ~~purpose of helping these agencies provide mental health services to peace officers, including~~ PURPOSES IDENTIFIED IN SUBSECTION (2) OF THIS SECTION.

~~(a) On-scene response services to support peace officers' handling of persons with mental health disorders;~~

~~(b) Counseling services;~~

~~(c) Assistance for law enforcement agencies' development and implementation of policies to support peace officers who are involved in a shooting or a fatal use of force;~~

~~(d) Training and education programs that teach peace officers the symptoms of job-related mental trauma and how to prevent and treat such trauma; and~~

~~(e) Peer support programs.~~

(2) Grant recipients may use money received through the grant program to provide mental health services to peace officers, including FOR THE FOLLOWING PURPOSES:

~~(a) On-scene response services to support peace officers' handling of persons with mental health disorders~~ CO-RESPONDER COMMUNITY RESPONSES;

(b) COMMUNITY-BASED ALTERNATIVE RESPONSES;

~~(b)~~ (c) Counseling services FOR PEACE OFFICERS AND THEIR IMMEDIATE FAMILY MEMBERS, INCLUDING REIMBURSING PEACE OFFICERS WHO HAVE PAID THE COSTS OF THEIR OWN COUNSELING SERVICES;

~~(c)~~ (d) Assistance for law enforcement agencies' development and implementation of policies to support peace officers who are involved in a shooting or a fatal use of force;

~~(d)~~ (e) Training and education programs that teach peace officers AND THEIR IMMEDIATE FAMILY MEMBERS the symptoms of job-related mental trauma and how to prevent and treat such trauma; and

~~(e)~~ (f) Peer support programs FOR PEACE OFFICERS.

~~(2.5) For the purposes of subsections (1)(b) and (2)(b) of this section, grant recipients may use money received through the grant program to reimburse peace officers who have paid the costs of their own counseling services.~~

(3) PUBLIC SAFETY AGENCIES, law enforcement agencies, AND PEACE OFFICER ORGANIZATIONS that apply for grants ~~from the grant program~~ PURSUANT TO SUBSECTION (2) OF THIS SECTION are encouraged to do so, to the extent possible, in collaboration with the community mental health centers AND OTHER COMMUNITY-BASED SOCIAL SERVICE OR BEHAVIORAL HEALTH PROVIDERS in their regions.

(4) The department shall administer the grant program and, subject to available appropriations, shall award grants as provided in this section FROM THE FUND CREATED IN SUBSECTION (7) OF THIS SECTION. ~~Subject to available appropriations, grants shall be paid out of the fund created in subsection (10) of this section.~~

(5) The executive director of the department, or the executive director's designee, shall develop ~~such~~ policies and procedures ~~as are required in this section and such additional policies and procedures~~ as may be necessary to implement AND ADMINISTER the grant program. At a minimum, the policies and procedures must SPECIFY:

(a) ~~Specify~~ The time frames for applying for grants, the form of the grant program application, AND the time frames for distributing grant

money; and

~~(b) THE criteria for the executive director, or the executive director's designee, DEPARTMENT to use in awarding and denying grants; The policies and procedures must also;~~

~~(c) Require the department to transfer grant money to each grant recipient as soon as is practicable after a grant application is approved~~ THAT A PUBLIC SAFETY AGENCY MAY APPLY FOR A GRANT FOR THE PURPOSE OUTLINED IN SUBSECTION (2)(a) OR (2)(b) OF THIS SECTION;

(d) THAT A LAW ENFORCEMENT AGENCY OR PEACE OFFICER ORGANIZATION MAY APPLY FOR A GRANT FOR THE PURPOSES OUTLINED IN SUBSECTIONS (2)(a) TO (2)(f) OF THIS SECTION; AND

(e) THAT A BEHAVIORAL HEALTH ENTITY, COUNTY OR DISTRICT PUBLIC HEALTH AGENCY, OR COMMUNITY-BASED SOCIAL SERVICE OR BEHAVIORAL HEALTH PROVIDER MAY APPLY FOR A GRANT IN PARTNERSHIP WITH A LAW ENFORCEMENT AGENCY OR PUBLIC SAFETY AGENCY FOR THE PURPOSES OUTLINED IN SUBSECTION (2)(a) OR (2)(b) OF THIS SECTION.

~~(6) To receive a grant, an eligible agency must submit an application to the department in accordance with policies and procedures developed by the executive director, or the executive director's designee.~~

~~(7)~~ (6) (a) In accordance with a schedule to be determined pursuant to ~~rules promulgated~~ POLICIES AND PROCEDURES DEVELOPED by the executive director of the department, each grant recipient shall submit to the department a report that describes and includes documentation of the grant recipient's use of the grant money. The report must also include any information required by the department pursuant to ~~any~~ THE policies or procedures developed by the department pursuant to subsection (5) of this section. In preparing ~~each such~~ THE report, each grant recipient shall redact the names and any other personal identifying information of each peace officer ~~to whom the grant recipient provided~~ WHO RECEIVED services, training, or education with grant money.

(b) (I) ~~On and after November 1, 2021,~~ The department shall include a summarized report of the activities of the grant program BEGINNING IN FISCAL YEAR 2017 THROUGH FISCAL YEAR 2021 in the department's annual

presentation to the committees of reference pursuant to section 2-7-203 FOR THE 2022 LEGISLATIVE SESSION. ~~Notwithstanding section 24-1-136 (11)(a)(I), the reporting requirements set forth in this section continue until the grant program is repealed pursuant to subsection (11) of this section. THIS SUBSECTION (6)(b)(I) IS REPEALED, EFFECTIVE NOVEMBER 1, 2021.~~

(II) BEGINNING WITH THE 2023 REGULAR LEGISLATIVE SESSION AND EACH REGULAR LEGISLATIVE SESSION THEREAFTER, THE DEPARTMENT SHALL INCLUDE A SUMMARIZED REPORT OF THE ACTIVITIES OF THE GRANT PROGRAM IN THE DEPARTMENT'S ANNUAL PRESENTATION TO THE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE INDEFINITELY.

~~(8) The department may use up to five percent of the money annually appropriated for the program to pay the direct and indirect costs that the department incurs in administering the grant program.~~

~~(9) Notwithstanding any other provision of this section, the department is not required to implement the grant program until sufficient funds are received in the fund created in subsection (10) of this section.~~

~~(10)~~ (7) (a) The peace officers ~~mental~~ BEHAVIORAL health support AND COMMUNITY PARTNERSHIP fund, referred to in this section as the "fund", is created in the state treasury. The fund consists of gifts, grants, and donations credited to the fund pursuant to ~~subsection (10)(b)~~ SUBSECTION (7)(b) of this section and any other money that the general assembly may appropriate or transfer to the fund. ~~The executive director, or his or her designee~~ SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT may expend money from the fund for the purposes of this section. THE DEPARTMENT MAY USE UP TO FIVE PERCENT OF THE MONEY ANNUALLY APPROPRIATED TO THE FUND TO PAY THE DIRECT AND INDIRECT COSTS THAT THE DEPARTMENT INCURS IN ADMINISTERING THE GRANT PROGRAM.

(b) The department may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of this section. The department shall transmit all money received through gifts, grants, or donations to the state treasurer, who shall credit the money to the fund.

(c) The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund. At the end of any fiscal year, all unexpended and unencumbered money in the fund remains therein and shall not be credited or transferred to the general fund or any other fund.

~~(d) The state treasurer shall transfer all unexpended and unencumbered money in the fund on August 31, 2027, to the general fund.~~

~~(10.5)~~ (8) As used in this section, unless the context otherwise requires:

(a) ~~"Eligible agency" means a law enforcement agency within the state~~ "BEHAVIORAL HEALTH ENTITY" MEANS A BEHAVIORAL HEALTH ENTITY LICENSED PURSUANT TO ARTICLE 27.6 OF TITLE 25.

(b) "COMMUNITY-BASED ALTERNATIVE RESPONSE" MEANS A PERSON-CENTERED CRISIS RESPONSE TO COMMUNITY MEMBERS WHO ARE EXPERIENCING PROBLEMS RELATED TO POVERTY, HOMELESSNESS, BEHAVIORAL HEALTH, FOOD INSECURITY, AND OTHER SOCIAL ISSUES, THAT DIRECTS CERTAIN CALLS FOR POLICE SERVICE TO MORE APPROPRIATE SUPPORT PROVIDERS IN LIEU OF A POLICE RESPONSE.

(c) "COMMUNITY-BASED SOCIAL SERVICES AND BEHAVIORAL HEALTH PROVIDERS" MEANS PROVIDERS OF COMMUNITY-BASED ALTERNATIVE RESPONSE AND CO-RESPONDER COMMUNITY RESPONSE.

(d) "CO-RESPONDER COMMUNITY RESPONSE" MEANS A MODEL OF CRIMINAL JUSTICE DIVERSION THAT PAIRS LAW ENFORCEMENT AND BEHAVIORAL HEALTH PROVIDERS TO INTERVENE AND RESPOND TO BEHAVIORAL HEALTH-RELATED CALLS FOR POLICE SERVICE, UTILIZING THE COMBINED EXPERTISE OF THE LAW ENFORCEMENT OFFICER AND BEHAVIORAL HEALTH SPECIALIST TO DE-ESCALATE SITUATIONS AND HELP LINK INDIVIDUALS WITH BEHAVIORAL HEALTH ISSUES TO APPROPRIATE SERVICES.

(e) "COUNTY OR DISTRICT PUBLIC HEALTH AGENCY" MEANS A COUNTY OR DISTRICT PUBLIC HEALTH AGENCY CREATED PURSUANT TO SECTION 25-1-506. ~~or a peace officer organization within the state.~~

~~(b)~~ (f) "Law enforcement agency" means the Colorado state patrol,

the Colorado bureau of investigation, the department of corrections, the department of revenue, a county sheriff's office, a municipal police department, a campus police department, a town marshal's office, or the division of parks and wildlife.

(c) (g) "Peace officer organization" means:

(I) A statewide association of police officers and former police officers; or

(II) An organization within the state that provides services and programs that promote the mental health wellness of peace officers and that has at least one peace officer or former peace officer serving on its board of directors or in a comparable capacity.

(h) "PUBLIC SAFETY AGENCY" MEANS AN AGENCY PROVIDING LAW ENFORCEMENT, FIRE PROTECTION, EMERGENCY MEDICAL, EMERGENCY RESPONSE SERVICES, OR EMERGENCY DISPATCH SERVICES IN RESPONSE TO 911 CALLS, AS DEFINED IN SECTION 29-11-103 (3).

~~(11) This section is repealed, effective September 1, 2027.~~

SECTION 3. In Colorado Revised Statutes, 30-10-527, **amend** (3) as follows:

30-10-527. Behavioral health professionals - grant applications encouraged - definition - repeal. (3) For the purposes of this section, each sheriff's office is encouraged to apply annually for a grant from the peace officers ~~mental~~ BEHAVIORAL health support AND COMMUNITY PARTNERSHIPS grant program created in section 24-32-3501.

SECTION 4. In Colorado Revised Statutes, 31-30-109, **amend** (3) as follows:

31-30-109. Behavioral health professionals - grant applications encouraged - definition - repeal. (3) For the purposes of this section, each municipal police department is encouraged to apply annually for a grant from the peace officers ~~mental~~ BEHAVIORAL health support AND COMMUNITY PARTNERSHIPS grant program created in section 24-32-3501.

SECTION 5. Appropriation. (1) For the 2021-22 state fiscal year, \$1,000,000 is appropriated to the peace officers mental health support fund created in section 24-32-3501 (10)(a), C.R.S. This appropriation is from the general fund. The department of local affairs is responsible for the accounting related to this appropriation.

(2) For the 2021-22 state fiscal year, \$1,000,000 is appropriated to the department of local affairs for use by the division of local government. This appropriation is from reappropriated funds in the peace officers mental health support fund under subsection (1) of this section and is based on an assumption that the division will require an additional 0.5 FTE. To implement this act, the division may use the appropriation for the peace officers mental health support grant program.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO