

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 21-0162.01 Shelby Ross x4510

HOUSE BILL 21-1030

HOUSE SPONSORSHIP

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

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House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EXPANDING THE PEACE OFFICERS BEHAVIORAL HEALTH**
102 **SUPPORT GRANT PROGRAM TO INCLUDE COMMUNITY**
103 **PARTNERSHIPS.**

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 expands the peace officers mental health support grant program to include funding for on-scene response services to enhance law enforcement's handling of calls for services related to persons with mental health disorders and social service needs, including calls that do not require the presence of a peace officer.

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.

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

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

4 (a) Colorado peace officers have been asked for many years to
5 respond to a magnitude of societal issues that far exceed what law
6 enforcement can address. Law enforcement personnel care deeply about
7 the safety and well-being of the communities they serve, but law
8 enforcement personnel cannot shoulder the responsibility of addressing
9 community challenges that impact crime rates, such as unemployment,
10 high school dropout rates, homelessness, or people in crisis due to
11 behavioral health disorders, without strong and coordinated
12 community partnerships.

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

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

1 involvement and recidivism; and

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

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

14 **SECTION 2.** In Colorado Revised Statutes, **amend** 24-32-3501
15 as follows:

16 **24-32-3501. Peace officers behavioral health support and**
17 **community partnerships grant program - created - report - rules -**
18 **fund - definitions - repeal.** (1) There is created in the department of
19 local affairs, referred to in this section as the "department", the peace
20 officers ~~mental~~ BEHAVIORAL health support AND COMMUNITY
21 PARTNERSHIPS grant program to provide grants ~~of money~~ to eligible
22 ~~agencies~~ LAW ENFORCEMENT AGENCIES, BEHAVIORAL HEALTH ENTITIES,
23 COUNTY OR DISTRICT PUBLIC HEALTH AGENCIES, COMMUNITY-BASED
24 SOCIAL SERVICE AND BEHAVIORAL HEALTH PROVIDERS, PEACE OFFICER
25 ORGANIZATIONS, AND PUBLIC SAFETY AGENCIES for the ~~purpose of helping~~
26 ~~these agencies provide mental health services to peace officers, including~~
27 PURPOSES IDENTIFIED IN SUBSECTION (2) OF THIS SECTION.

- 1 ~~(a) On-scene response services to support peace officers' handling~~
2 ~~of persons with mental health disorders;~~
3 ~~(b) Counseling services;~~
4 ~~(c) Assistance for law enforcement agencies' development and~~
5 ~~implementation of policies to support peace officers who are involved in~~
6 ~~a shooting or a fatal use of force;~~
7 ~~(d) Training and education programs that teach peace officers the~~
8 ~~symptoms of job-related mental trauma and how to prevent and treat such~~
9 ~~trauma; and~~
10 ~~(e) Peer support programs.~~

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

- 14 ~~(a) On-scene response services to support peace officers' handling~~
15 ~~of persons with mental health disorders~~ CO-RESPONDER COMMUNITY
16 ~~RESPONSES;~~
17 ~~(b) COMMUNITY-BASED ALTERNATIVE RESPONSES;~~
18 ~~(b) (c) Counseling services~~ FOR PEACE OFFICERS AND THEIR
19 ~~IMMEDIATE FAMILY MEMBERS, INCLUDING REIMBURSING PEACE OFFICERS~~
20 ~~WHO HAVE PAID THE COSTS OF THEIR OWN COUNSELING SERVICES;~~
21 ~~(c) (d) Assistance for law enforcement agencies' development and~~
22 ~~implementation of policies to support peace officers who are involved in~~
23 ~~a shooting or a fatal use of force;~~
24 ~~(d) (e) Training and education programs that teach peace officers~~
25 ~~AND THEIR IMMEDIATE FAMILY MEMBERS~~ the symptoms of job-related
26 mental trauma and how to prevent and treat such trauma; and
27 ~~(e) (f) Peer support programs~~ FOR PEACE OFFICERS.

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

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

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

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

21 (a) ~~Specify~~ The time frames for applying for grants, the form of
22 the grant program application, AND the time frames for distributing grant
23 money; and

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

27 (c) ~~Require the department to transfer grant money to each grant~~

1 ~~recipient as soon as is practicable after a grant application is approved~~

2 THAT A PUBLIC SAFETY AGENCY MAY APPLY FOR A GRANT FOR THE
3 PURPOSE OUTLINED IN SUBSECTION (2)(a) OR (2)(b) OF THIS SECTION;

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

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

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

15 (7) (6) (a) In accordance with a schedule to be determined
16 pursuant to ~~rules promulgated~~ POLICIES AND PROCEDURES DEVELOPED by
17 the executive director of the department, each grant recipient shall submit
18 to the department a report that describes and includes documentation of
19 the grant recipient's use of the grant money. The report must also include
20 any information required by the department pursuant to ~~any~~ THE policies
21 or procedures developed by the department pursuant to subsection (5) of
22 this section. In preparing ~~each such~~ THE report, each grant recipient shall
23 redact the names and any other personal identifying information of each
24 peace officer ~~to whom the grant recipient provided~~ WHO RECEIVED
25 services, training, or education with grant money.

26 (b) (I) ~~On and after November 1, 2021,~~ The department shall
27 include a summarized report of the activities of the grant program

1 BEGINNING IN FISCAL YEAR 2017 THROUGH FISCAL YEAR 2021 in the
2 department's annual presentation to the committees of reference pursuant
3 to section 2-7-203 FOR THE 2022 LEGISLATIVE SESSION. ~~Notwithstanding~~
4 ~~section 24-1-136 (11)(a)(I), the reporting requirements set forth in this~~
5 ~~section continue until the grant program is repealed pursuant to~~
6 ~~subsection (11) of this section.~~ THIS SUBSECTION (6)(b)(I) IS REPEALED,
7 EFFECTIVE NOVEMBER 1, 2021.

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

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

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

21 ~~(10)~~ (7) (a) The peace officers **mental BEHAVIORAL** health support
22 AND COMMUNITY PARTNERSHIP fund, referred to in this section as the
23 "fund", is created in the state treasury. The fund consists of gifts, grants,
24 and donations credited to the fund pursuant to ~~subsection (10)(b)~~
25 SUBSECTION (7)(b) of this section and any other money that the general
26 assembly may appropriate or transfer to the fund. ~~The executive director,~~
27 ~~or his or her designee~~ SUBJECT TO ANNUAL APPROPRIATION BY THE

1 GENERAL ASSEMBLY, THE DEPARTMENT may expend money from the fund
2 for the purposes of this section. THE DEPARTMENT MAY USE UP TO FIVE
3 PERCENT OF THE MONEY ANNUALLY APPROPRIATED TO THE FUND TO PAY
4 THE DIRECT AND INDIRECT COSTS THAT THE DEPARTMENT INCURS IN
5 ADMINISTERING THE GRANT PROGRAM.

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

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

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

18 ~~(10.5)~~ (8) As used in this section, unless the context otherwise
19 requires:

20 (a) ~~"Eligible agency" means a law enforcement agency within the~~
21 ~~state~~ "BEHAVIORAL HEALTH ENTITY" MEANS A BEHAVIORAL HEALTH
22 ENTITY LICENSED PURSUANT TO SECTION 27-60-107.

23 (b) "COMMUNITY-BASED ALTERNATIVE RESPONSE" MEANS A
24 PERSON-CENTERED CRISIS RESPONSE TO COMMUNITY MEMBERS WHO ARE
25 EXPERIENCING PROBLEMS RELATED TO POVERTY, HOMELESSNESS,
26 BEHAVIORAL HEALTH, FOOD INSECURITY, AND OTHER SOCIAL ISSUES,
27 THAT DIRECTS CERTAIN CALLS FOR POLICE SERVICE TO MORE APPROPRIATE

1 SUPPORT PROVIDERS IN LIEU OF A POLICE RESPONSE.

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

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

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

16 (b) (f) "Law enforcement agency" means the Colorado state
17 patrol, the Colorado bureau of investigation, the department of
18 corrections, the department of revenue, a county sheriff's office, a
19 municipal police department, a campus police department, a town
20 marshal's office, or the division of parks and wildlife.

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

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

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

1 (h) "PUBLIC SAFETY AGENCY" MEANS AN AGENCY PROVIDING LAW
2 ENFORCEMENT, FIRE PROTECTION, EMERGENCY MEDICAL, EMERGENCY
3 RESPONSE SERVICES, OR EMERGENCY DISPATCH SERVICES IN RESPONSE TO
4 911 CALLS, AS DEFINED IN SECTION 29-11-103 (3).

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

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

8 **30-10-527. Behavioral health professionals - grant applications**
9 **encouraged - definition - repeal.** (3) For the purposes of this section,
10 each sheriff's office is encouraged to apply annually for a grant from the
11 peace officers ~~mental~~ BEHAVIORAL health support AND COMMUNITY
12 PARTNERSHIPS grant program created in section 24-32-3501.

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

15 **31-30-109. Behavioral health professionals - grant applications**
16 **encouraged - definition - repeal.** (3) For the purposes of this section,
17 each municipal police department is encouraged to apply annually for a
18 grant from the peace officers ~~mental~~ BEHAVIORAL health support AND
19 COMMUNITY PARTNERSHIPS grant program created in section 24-32-3501.

20 **SECTION 5. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

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