

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0069.01 Conrad Imel x2313

HOUSE BILL 21-1122

HOUSE SPONSORSHIP

Froelich and Larson,

SENATE SPONSORSHIP

Kolker,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING A COMMISSION TO IMPROVE FIRST**
102 **RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES,**
103 **AND, IN CONNECTION THEREWITH, 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 commission on improving first responder interactions with persons with disabilities (commission) in the attorney general's office. The commission is comprised of 10 members, including 2 persons with a disability, 2 parents of a child with a disability, 2 first responders, 2 representatives from advocacy organizations, the

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.*

HOUSE
Amended 2nd Reading
April 16, 2021

vice-chairperson of the peace officer standards and training board (P.O.S.T. board), and a member of the P.O.S.T. board's curriculum subject matter expert committee.

After reviewing the existing Colorado peace officer training and existing available curriculum, the commission must recommend to the P.O.S.T. board a curriculum for peace officer training concerning interactions with persons with disabilities. Subject to available appropriations, the P.O.S.T. board must implement the recommended curriculum by July 1, 2022. The commission is required to review implementation of the curriculum and may recommend changes that the P.O.S.T. board may adopt.

The commission is repealed on December 31, 2023, but prior to its repeal the attorney general may recommend continuation of the commission.

The bill requires the fire service training and certification advisory board to advise the director of the division of fire prevention and control on whether to include the commission's curriculum or similar curriculum in the fire service education and training program. The Colorado department of public health and environment is required to consider including the commission's curriculum in training for personnel who routinely respond to emergencies.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 10 to article
3 31 of title 24 as follows:

4 **PART 10**

5 **COMMISSION ON IMPROVING FIRST RESPONDER**

6 **INTERACTIONS WITH PERSONS WITH DISABILITIES**

7 **24-31-1001. Definitions.** AS USED IN THIS PART 10, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "COMMISSION" MEANS THE COMMISSION ON IMPROVING FIRST
10 RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES CREATED IN
11 SECTION 24-31-1002.

12 (2) "FIRST RESPONDER" MEANS A PEACE OFFICER, FIREFIGHTER, OR
13 EMERGENCY MEDICAL SERVICE PROVIDER.

1 (3) "PERSON WITH A DISABILITY" HAS THE SAME MEANING SET
2 FORTH IN SECTION 18-6.5-102 (11).

3 (4) "P.O.S.T. BOARD" MEANS THE PEACE OFFICERS STANDARDS
4 AND TRAINING BOARD CREATED IN SECTION 24-31-302.

5 **24-31-1002. Commission - membership - duties.** (1) THERE IS
6 CREATED WITHIN THE DEPARTMENT OF LAW AND UNDER THE CONTROL OF
7 THE OFFICE OF THE ATTORNEY GENERAL THE COMMISSION ON IMPROVING
8 FIRST RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES.

9 (2) THE COMMISSION CONSISTS OF TWELVE MEMBERS, APPOINTED
10 BY THE ATTORNEY GENERAL, AS FOLLOWS:

11 (a) TWO PERSONS WITH A DISABILITY;

12 (b) TWO PARENTS OF A CHILD WITH A DISABILITY;

13

14 (c) TWO REPRESENTATIVES FROM ORGANIZATIONS THAT
15 ADVOCATE FOR PERSONS WITH DISABILITIES WHO ARE RECOMMENDED BY
16 THE ORGANIZATION;

17 (d) A PERSON WHO MEETS THE QUALIFICATIONS DESCRIBED IN
18 SUBSECTION (2)(a), (2)(b), OR (2)(c) OF THIS SECTION AND WHO
19 REPRESENTS A DISABILITY COMMUNITY THAT IS NOT REPRESENTED BY THE
20 PERSONS APPOINTED PURSUANT TO SUBSECTION (2)(a), (2)(b), OR (2)(c)
21 OF THIS SECTION;

22 (e) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
23 CURRENT AND FORMER PEACE OFFICERS;

24 (f) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF CHIEFS
25 OF POLICE;

26 (g) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
27 COUNTY SHERIFFS;

1 (h) ONE MEMBER OF THE P.O.S.T. BOARD; AND

2 (i) A MEMBER OF THE P.O.S.T. BOARD'S CURRICULUM SUBJECT
3 MATTER EXPERT COMMITTEE.

4 (3) (a) THE ATTORNEY GENERAL SHALL APPOINT MEMBERS TO
5 THE COMMISSION NO LATER THAN SEPTEMBER 15, 2021.

6 (b) IN MAKING APPOINTMENTS TO THE COMMISSION PURSUANT TO
7 SUBSECTION (2)(a) OF THIS SECTION, THE ATTORNEY GENERAL SHALL
8 ENSURE, TO THE GREATEST EXTENT POSSIBLE, THAT THE MEMBERSHIP OF
9 THE COMMISSION IS REPRESENTATIVE OF THE ETHNIC, CULTURAL, AND
10 GENDER DIVERSITY OF THE STATE AND OF ALL GEOGRAPHIC AREAS OF THE
11 STATE, INCLUDING RURAL AREAS.

12 (4) MEMBERS OF THE COMMISSION SERVE WITHOUT
13 COMPENSATION BUT THE DEPARTMENT OF LAW SHALL REIMBURSE
14 MEMBERS FOR ALL ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
15 PERFORMANCE OF THEIR DUTIES.

16 (5) THE ATTORNEY GENERAL'S OFFICE SHALL PROVIDE A STAFF
17 MEMBER TO COORDINATE AND SUPPORT THE COMMISSION AND HELP
18 IMPLEMENT THE COMMISSION'S RECOMMENDATIONS.

19 (6) (a) THE ATTORNEY GENERAL'S OFFICE SHALL CONVENE THE
20 FIRST MEETING OF THE COMMISSION NO LATER THAN OCTOBER 15, 2021.
21 AT THE FIRST MEETING, COMMISSION MEMBERS SHALL SELECT FROM
22 AMONG THE MEMBERSHIP A PERSON TO SERVE AS CHAIR OF THE
23 COMMISSION.

24 (b) THE COMMISSION SHALL MEET UPON THE CALL OF THE CHAIR
25 AS NECESSARY TO COMPLETE ITS DUTIES SPECIFIED IN THIS PART 10, BUT
26 MUST MEET AT LEAST ONCE PER QUARTER.

27 **24-31-1003. Study of training concerning interactions with**

1 **persons with disabilities - report.** (1) THE COMMISSION SHALL, IN
2 COLLABORATION WITH THE P.O.S.T. BOARD, EVALUATE EXISTING
3 TRAINING FOR PEACE OFFICERS CONCERNING INTERACTIONS WITH PERSONS
4 WITH DISABILITIES. THE COMMISSION SHALL EXAMINE:

5 (a) WHETHER THE TRAINING IS INCLUDED AS A PART OF BASIC
6 TRAINING OR ANY OTHER TRAINING PROGRAM APPROVED BY THE P.O.S.T.
7 BOARD AND PROVIDED BY A LAW ENFORCEMENT TRAINING ACADEMY;

8 (b) (I) IF THE TRAINING IS REQUIRED, THE NUMBER OF HOURS OF
9 TRAINING REQUIRED; OR

10 (II) IF THE TRAINING IS OPTIONAL, THE NUMBER OF HOURS OF
11 TRAINING OFFERED; AND

12 (c) THE QUALIFICATIONS AND EXPERIENCE REQUIRED OF
13 INSTRUCTORS WHO PROVIDE THE TRAINING.

14 (2) THE COMMISSION SHALL REVIEW EXISTING TRAINING
15 CURRICULA CONCERNING FIRST RESPONDER INTERACTIONS WITH PERSONS
16 WITH DISABILITIES OFFERED BY ORGANIZATIONS IN COLORADO AND OTHER
17 STATES. THE COMMISSION'S REVIEW MUST INCLUDE IDENTIFYING EXISTING
18 CURRICULA OFFERED BY GOVERNMENTAL AGENCIES AND
19 NONGOVERNMENTAL ORGANIZATIONS, EVALUATING WHETHER ANY
20 IDENTIFIED EXISTING AND AVAILABLE CURRICULA IS ADEQUATE TO TRAIN
21 PEACE OFFICERS IN COLORADO, AND WHETHER ANY EXISTING CURRICULA
22 COULD BE MODIFIED TO PROPERLY TRAIN PEACE OFFICERS IN COLORADO.

23 **24-31-1004. Recommend training curriculum for peace**
24 **officers.** (1) (a) ON OR BEFORE FEBRUARY 28, 2022, AND AFTER
25 COMPLETING THE STUDY DESCRIBED IN SECTION 24-31-1003, THE
26 COMMISSION SHALL RECOMMEND TO THE P.O.S.T. BOARD THE
27 CURRICULUM FOR PEACE OFFICER TRAINING CONCERNING INTERACTIONS

1 WITH PERSONS WITH DISABILITIES TO BE USED IN BASIC TRAINING AND
2 OTHER TRAINING PROGRAMS APPROVED BY THE P.O.S.T. BOARD AND THAT
3 MAY BE OFFERED TO FIRST RESPONDERS THAT ARE NOT REQUIRED TO TAKE
4 P.O.S.T. BOARD APPROVED TRAINING.

5 (b) THE RECOMMENDED CURRICULUM MUST INCLUDE AN INITIAL
6 TRAINING CURRICULUM THAT CAN BE OFFERED AS PART OF BASIC LAW
7 ENFORCEMENT TRAINING AND AN ANNUAL IN-SERVICE TRAINING
8 CURRICULUM.

9 (2) IN RECOMMENDING A CURRICULUM PURSUANT TO THIS
10 SECTION, THE COMMISSION MUST:

11 (a) RECOMMEND A CURRICULUM THAT MEETS OR EXCEEDS THE
12 STANDARDS OF THE EXISTING CURRICULUM OFFERED TO FIRST
13 RESPONDERS IDENTIFIED BY THE COMMITTEE IN ITS STUDY OF THE
14 EXISTING CURRICULUM;

15 (b) CONSIDER EXISTING BASIC TRAINING AND ANNUAL IN-SERVICE
16 TRAINING REQUIREMENTS FOR PEACE OFFICERS TO ENSURE THAT THE
17 RECOMMENDED CURRICULUM CAN BE IMPLEMENTED EFFECTIVELY AND
18 WITH THE LEAST POSSIBLE DUPLICATION OF EXISTING TRAINING
19 REQUIREMENTS AND ADMINISTRATIVE AND FINANCIAL BURDEN ON PEACE
20 OFFICERS, LAW ENFORCEMENT AGENCIES, AND LAW ENFORCEMENT
21 TRAINING ACADEMIES;

22 (c) STUDY THE EXISTING TRAINING REQUIREMENT CONCERNING
23 ABUSE AND EXPLOITATION OF AT-RISK ADULTS WITH INTELLECTUAL AND
24 DEVELOPMENTAL DISABILITIES DESCRIBED IN SECTION 24-31-313.5 AND
25 CONSIDER RECOMMENDING A CURRICULUM THAT MAY SATISFY THE
26 EXISTING REQUIREMENT; AND

27 (d) CONSIDER THE RESULTS OF ANY AUDIT THAT EXAMINED FIRST

1 RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES IN
2 COLORADO.

3 (3) (a) AFTER IMPLEMENTATION OF THE CURRICULUM AS
4 DESCRIBED IN SECTION 24-31-317, THE COMMISSION SHALL EXAMINE ANY
5 CHALLENGES FACED BY THE P.O.S.T. BOARD, LAW ENFORCEMENT
6 AGENCIES, AND LAW ENFORCEMENT TRAINING ACADEMIES WITH
7 IMPLEMENTING THE CURRICULUM, INCLUDING RESOURCE AVAILABILITY;
8 PERIODICALLY ASSESS THE EFFECTIVENESS OF THE CURRICULUM; AND
9 DETERMINE WHETHER ANY CHANGES NEED TO BE MADE TO THE
10 CURRICULUM.

11 (b) IF, AFTER THE IMPLEMENTATION OF THE CURRICULUM, THE
12 COMMISSION DETERMINES THAT THE CURRICULUM SHOULD BE CHANGED,
13 IT MAY RECOMMEND CHANGES TO THE P.O.S.T. BOARD. THE P.O.S.T.
14 BOARD MAY ADOPT THE RECOMMENDED CHANGES.

15 (4) THE COMMISSION MAY IDENTIFY AND RECOMMEND AN
16 EXISTING TRAINING CURRICULUM APPROPRIATE FOR FIRST RESPONDERS
17 WHO ARE NOT PEACE OFFICERS.

18 **24-31-1005. Report.** IN ITS ANNUAL REPORT BEFORE THE HOUSE
19 AND SENATE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203,
20 THE DEPARTMENT OF LAW SHALL INCLUDE INFORMATION REGARDING THE
21 COMMISSION'S ACTIVITIES. IN ITS REPORT DURING THE 2023 LEGISLATIVE
22 SESSION, THE DEPARTMENT SHALL MAKE A RECOMMENDATION
23 CONCERNING WHETHER TO CONTINUE THE COMMISSION.

24 **24-31-1006. Funding.** NOTWITHSTANDING SECTION 24-31-310
25 (3), THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE
26 GENERAL FUND TO CARRY OUT THE PURPOSES OF THIS PART 10.

27 **24-31-1007. Repeal of part.** THIS PART 10 IS REPEALED,

1 EFFECTIVE DECEMBER 31, 2023.

2 **SECTION 2.** In Colorado Revised Statutes, 24-31-303, **add** (1)(s)
3 as follows:

4 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
5 P.O.S.T. board has the following duties:

6 (s) TO COLLABORATE WITH THE COMMISSION ON IMPROVING FIRST
7 RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES, IN THE
8 MANNER DESCRIBED IN PART 10 OF THIS ARTICLE 31.

9 **SECTION 3.** In Colorado Revised Statutes, 24-31-315, **amend**
10 (1) as follows:

11 **24-31-315. Annual in-service training requirements.**

12 (1) (a) The annual in-service training programs ~~shall~~ MUST include
13 proper restraint and holds training, a two-hour anti-bias training program,
14 and, in alternating years, either a two-hour community policing and
15 community partnerships training program or a two-hour situation
16 de-escalation training program. The programs and curriculum ~~shall be~~
17 ~~available by July 1, 2016, and~~ may include interactive web-based training.
18 Each certified peace officer shall satisfactorily complete the training by
19 July 1, 2017, and shall satisfactorily complete the training at least once
20 every five years thereafter.

21 (b) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING JULY 1,
22 2022, THE ANNUAL IN-SERVICE TRAINING PROGRAMS MUST INCLUDE THE
23 IN-SERVICE CURRICULUM FOR TRAINING CONCERNING INTERACTIONS WITH
24 PERSONS WITH DISABILITIES RECOMMENDED BY THE COMMISSION ON
25 IMPROVING FIRST RESPONDER INTERACTIONS WITH PERSONS WITH
26 DISABILITIES PURSUANT TO SECTION 24-31-1004.

27 **SECTION 4.** In Colorado Revised Statutes, **add** 24-31-317 as

1 follows:

2 **24-31-317. Training requirements concerning peace officer**
3 **interactions with persons with disabilities.** (1) SUBJECT TO AVAILABLE
4 APPROPRIATIONS, BEGINNING JULY 1, 2022, THE BASIC ACADEMY
5 CURRICULUM MUST INCLUDE THE CURRICULUM FOR TRAINING
6 CONCERNING INTERACTIONS WITH PERSONS WITH DISABILITIES
7 RECOMMENDED BY THE COMMISSION ON IMPROVING FIRST RESPONDER
8 INTERACTIONS WITH PERSONS WITH DISABILITIES PURSUANT TO SECTION
9 24-31-1004.

10 (2) THE ANNUAL IN-SERVICE TRAINING PROGRAMS MUST INCLUDE
11 THE IN-SERVICE CURRICULUM FOR TRAINING CONCERNING INTERACTIONS
12 WITH PERSONS WITH DISABILITIES, AS DESCRIBED IN SECTION 24-31-315
13 (1)(b).

14 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-1205, **add**
15 (6) as follows:

16 **24-33.5-1205. Duties of the director and the advisory board.**
17 (6) THE ADVISORY BOARD SHALL REVIEW THE CURRICULUM FOR TRAINING
18 CONCERNING INTERACTIONS WITH PERSONS WITH DISABILITIES
19 RECOMMENDED BY THE COMMISSION ON IMPROVING FIRST RESPONDER
20 INTERACTIONS WITH PERSONS WITH DISABILITIES PURSUANT TO SECTION
21 24-31-1004 AND ADVISE THE DIRECTOR ON WHETHER TO INCLUDE THAT
22 CURRICULUM OR SIMILAR CURRICULUM IN THE FIRE SERVICE EDUCATION
23 AND TRAINING PROGRAM.

24 **SECTION 6.** In Colorado Revised Statutes, 25-3.5-201, **add** (3)
25 as follows:

26 **25-3.5-201. Training programs.** (3) THE DEPARTMENT SHALL
27 CONSIDER INCLUDING IN THE DEPARTMENT'S TRAINING CURRICULUM FOR

1 PERSONNEL WHO RESPOND ROUTINELY TO EMERGENCIES THE TRAINING
2 CURRICULUM CONCERNING INTERACTIONS WITH PERSONS WITH
3 DISABILITIES RECOMMENDED BY THE COMMISSION ON IMPROVING FIRST
4 RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES PURSUANT
5 TO SECTION 24-31-1004.

6 **SECTION 7. Appropriation.** For the 2021-22 state fiscal year,
7 \$39,775 is appropriated to the department of law for use by the peace
8 officers standards and training board. This appropriation is from the
9 general fund and is based on an assumption that the board will require an
10 additional 0.5 FTE. To implement this act, the board may use this
11 appropriation for peace officers standards and training board support.

12 **SECTION 8. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety.