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HOUSE BILL 21-1122

BY REPRESENTATIVE(S) Froelich and Larson, Amabile, Bacon, Bernett, Bird, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton, Jackson, Jodeh, Kipp, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Sirota, Sullivan, Titone, Valdez A., Weissman, Young, Garnett, Boesenecker, Gray, Lontine, Snyder; also SENATOR(S) Kolker and Ginal, Bridges, Buckner, Danielson, Fields, Gonzales, Hansen, Hisey, Lee, Moreno, Pettersen, Story, Winter, Woodward, Garcia.

CONCERNING ESTABLISHING A COMMISSION TO IMPROVE FIRST RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

PART 10
COMMISSION ON IMPROVING FIRST RESPONDER
INTERACTIONS WITH PERSONS WITH DISABILITIES

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.

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

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

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

(3) "PERSON WITH A DISABILITY" HAS THE SAME MEANING SET FORTH IN SECTION 18-6.5-102 (11), AND INCLUDES A PERSON WITH DEMENTIA DISEASES AND RELATED DISABILITIES.

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

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

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

(a) TWO PERSONS WITH A DISABILITY;

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

(c) TWO REPRESENTATIVES FROM ORGANIZATIONS THAT ADVOCATE FOR PERSONS WITH DISABILITIES WHO ARE RECOMMENDED BY THE ORGANIZATION, ONE OF WHOM ALSO REPRESENTS THE INTERESTS OF SENIORS OR AN AGING ADVOCACY ORGANIZATION;

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

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

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

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

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

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

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

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

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

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

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

(b) THE COMMISSION SHALL MEET UPON THE CALL OF THE CHAIR AS NECESSARY TO COMPLETE ITS DUTIES SPECIFIED IN THIS PART 10, BUT MUST

MEET AT LEAST ONCE PER QUARTER.

24-31-1003. Study of training concerning interactions with persons with disabilities - report. (1) THE COMMISSION SHALL, IN COLLABORATION WITH THE P.O.S.T. BOARD, EVALUATE EXISTING TRAINING FOR PEACE OFFICERS CONCERNING INTERACTIONS WITH PERSONS WITH DISABILITIES. THE COMMISSION SHALL EXAMINE:

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

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

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

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

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

24-31-1004. Recommend training curriculum for peace officers.

(1) (a) ON OR BEFORE FEBRUARY 28, 2022, AND AFTER COMPLETING THE STUDY DESCRIBED IN SECTION 24-31-1003, THE COMMISSION SHALL RECOMMEND TO THE P.O.S.T. BOARD THE CURRICULUM FOR PEACE OFFICER TRAINING CONCERNING INTERACTIONS WITH PERSONS WITH DISABILITIES TO BE USED IN BASIC TRAINING AND OTHER TRAINING PROGRAMS APPROVED BY THE P.O.S.T. BOARD AND THAT MAY BE OFFERED TO FIRST RESPONDERS THAT ARE NOT REQUIRED TO TAKE P.O.S.T. BOARD APPROVED TRAINING.

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

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

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

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

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

(d) CONSIDER THE RESULTS OF ANY AUDIT THAT EXAMINED FIRST RESPONDER INTERACTIONS WITH PERSONS WITH DISABILITIES IN COLORADO.

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

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

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

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

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

24-31-1007. Repeal of part. THIS PART 10 IS REPEALED, EFFECTIVE DECEMBER 31, 2023.

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

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

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

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

24-31-315. Annual in-service training requirements. (1)(a) The annual in-service training programs ~~shall~~ **MUST** include proper restraint and holds training, a two-hour anti-bias training program, and, in alternating years, either a two-hour community policing and community partnerships training program or a two-hour situation de-escalation training program. The programs and curriculum ~~shall be available by July 1, 2016, and~~ may include interactive web-based training. Each certified peace officer shall satisfactorily complete the training by July 1, 2017, and shall satisfactorily complete the training at least once every five years thereafter.

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

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

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

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

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

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

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

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

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

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

SECTION 8. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

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