

SB059_L.007

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB18-059 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

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

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

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

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

26 SECTION 2. In Colorado Revised Statutes, add 24-33.5-1617 as
27 follows:

28 **24-33.5-1617. Law enforcement, public safety, and criminal**
29 **justice information-sharing grant program - rules - fund created -**
30 **repeal.** (1) THE LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
31 JUSTICE INFORMATION-SHARING GRANT PROGRAM, REFERRED TO WITHIN
32 THIS SECTION AS THE "GRANT PROGRAM", IS CREATED WITHIN THE
33 DIVISION. DURING THE 2018-19 FISCAL YEAR, THE GRANT PROGRAM SHALL
34 AWARD GRANTS, AT THE DISCRETION OF THE DIVISION, FROM THE FUND
35 CREATED IN SUBSECTION (11) OF THIS SECTION TO ANY STATE
36 GOVERNMENTAL ENTITY, STATE QUASI-GOVERNMENTAL ENTITY, OR
37 SEPARATE LEGAL ENTITY FORMED BY AN INTERGOVERNMENTAL
38 AGREEMENT PURSUANT TO SECTION 29-1-203, 20-1-110, OR 20-1-111.

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

41 (I) ENHANCING, MAINTAINING, OPERATING, OR IMPROVING ANY

1 EXISTING STATEWIDE LAW ENFORCEMENT, PUBLIC SAFETY, OR CRIMINAL
2 JUSTICE INFORMATION-SHARING SYSTEM;

3 (II) ASSISTING LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
4 JUSTICE AGENCIES IN GAINING ACCESS TO THE INFORMATION-SHARING
5 SYSTEM; OR

6 (III) INCREASING COMMUNICATION, INTEROPERABILITY, OR DATA
7 SHARING AMONG LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL
8 JUSTICE AGENCIES.

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

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

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

26 (5) AN APPLICANT FOR A GRANT FROM THE GRANT PROGRAM MAY
27 NOT HAVE ANY MEMBER OF ITS ORGANIZATION CURRENTLY HOLDING A
28 POSITION INSIDE THE DIVISION OR ANY OTHER BODY THAT IS INVOLVED IN
29 THE DECISION TO AWARD OR DENY A GRANT.

30 (6) (a) FOR THE PURPOSES OF SUBSECTION (2)(b) OF THIS SECTION,
31 ANY GRANT APPLICANT INTENDING TO CONTRACT WITH AN INDEPENDENT
32 CONTRACTOR OR VENDOR AS PART OF A GRANT APPLICATION MUST FIRST
33 FACILITATE AN OPEN-BID PROCESS THAT INCLUDES:

34 (I) A PUBLIC NOTICE OR ANNOUNCEMENT FOR SOLICITATION OF
35 PROPOSALS;

36 (II) THE CRITERIA FOR THE SELECTION OF ANY SUCH CONTRACTOR
37 OR VENDOR; AND

38 (III) AMPLE TIME FOR ALL INTERESTED PARTIES TO SUBMIT
39 PROPOSALS.

40 (b) (I) THE DEPARTMENT SHALL ANNOUNCE ON ITS PUBLIC
41 WEBSITE THE AWARDED OF ANY GRANT WITHIN ONE BUSINESS DAY AFTER
42 SUCH AWARD. ANY PARTY MAY CONTEST ANY SUCH AWARD WITHIN
43 FIFTEEN DAYS AFTER THE AWARD OR WITHIN FIFTEEN DAYS AFTER THE

1 GRANTEE'S SELECTION OF A CONTRACTOR OR VENDOR, WHICHEVER
2 OCCURS LATER, ON THE GROUNDS THAT THE GRANT APPLICANT'S
3 SELECTION OF A CONTRACTOR OR VENDOR IS ARBITRARY OR CAPRICIOUS
4 BASED UPON THE GRANT APPLICANT'S CRITERIA FOR SELECTING A
5 CONTRACTOR OR VENDOR, AS SUCH CRITERIA APPEARS IN THE GRANT
6 APPLICANT'S GRANT APPLICATION.

7 (II) THE DEPARTMENT SHALL REVIEW ANY GRANT AWARD THAT IS
8 CONTESTED, AND THE DEPARTMENT SHALL REVOKE THE GRANT IF THE
9 DEPARTMENT FINDS THAT THE GRANT APPLICANT'S SELECTION OF A
10 CONTRACTOR OR VENDOR IS ARBITRARY OR CAPRICIOUS BASED UPON THE
11 GRANT APPLICANT'S CRITERIA FOR SELECTING A CONTRACTOR OR VENDOR,
12 AS SUCH CRITERIA APPEARS IN THE GRANT APPLICANT'S GRANT
13 APPLICATION.

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

18 (8) TO RECEIVE A GRANT, AN APPLICANT MUST SUBMIT AN
19 APPLICATION TO THE DIVISION IN ACCORDANCE WITH THE RULES
20 PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE
21 DIVISION SHALL REVIEW ANY APPLICATIONS RECEIVED PURSUANT TO THIS
22 SUBSECTION (8).

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

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

27 (b) EACH APPLICANT'S ABILITY TO OPERATE AND MAINTAIN A LAW
28 ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL JUSTICE
29 INFORMATION-SHARING SYSTEM. FOR THE PURPOSE OF THIS SUBSECTION
30 (9)(b), EACH APPLICANT FOR A GRANT SHALL SUBMIT PROOF THAT THE
31 APPLICANT CAN PROVIDE A COHESIVE, COMPREHENSIVE, AND
32 SUSTAINABLE SYSTEM TO SUPPORT THE CURRENT LAW ENFORCEMENT
33 INFRASTRUCTURE.

34 (10) EACH APPLICANT FOR A GRANT FROM THE GRANT PROGRAM
35 SHALL AGREE TO:

36 (a) SUBMIT TO AN AUDIT BY THE STATE AUDITOR FOR THE PURPOSE
37 OF ENSURING TRANSPARENCY AND ACCOUNTABILITY; AND

38 (b) REPORT ANNUALLY TO THE DIVISION TO FACILITATE THE
39 DEPARTMENT'S ANNUAL REPORT TO THE COMMITTEES OF REFERENCE,
40 PURSUANT TO SECTION 2-3-703, AND THE DEPARTMENT'S
41 COMMUNICATIONS WITH THE JOINT BUDGET COMMITTEE CONCERNING
42 GRANT MONEY.

43 (11) (a) THE LAW ENFORCEMENT, PUBLIC SAFETY, AND CRIMINAL

1 JUSTICE INFORMATION-SHARING GRANT PROGRAM FUND, REFERRED TO IN
2 THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE
3 FUND CONSISTS OF MONEY APPROPRIATED TO THE FUND PURSUANT TO
4 SUBSECTION (11)(e) OF THIS SECTION AND ANY OTHER MONEY THAT THE
5 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

6 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
7 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
8 FUND TO THE FUND.

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

12 (d) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
13 AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2021, TO THE
14 GENERAL FUND.

15 (e) FOR THE 2018-19 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL
16 APPROPRIATE ONE MILLION NINE HUNDRED THOUSAND DOLLARS TO THE
17 FUND FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION
18 39-28.8-501. THE DIVISION MAY EXPEND MONEY FROM THE FUND FOR THE
19 PURPOSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

20 (12) EACH RECIPIENT OF A GRANT FROM THE GRANT PROGRAM IS
21 PROHIBITED FROM SELLING TO ANY PRIVATE PARTY ANY DATA ACQUIRED
22 FROM THE GRANT PROGRAM.

23 (13) NOTHING IN THIS SECTION ALTERS ANY PROVISION OF ARTICLE
24 72 OF THIS TITLE 24.

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

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

28 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
29 **- legislative declaration - repeal.** (2) (b) (IV) Subject to the limitation
30 in subsection (5) of this section, the general assembly may annually
31 appropriate any money in the fund for any fiscal year following the fiscal
32 year in which it was received by the state for the following purposes:

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

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

39 (O) TO FUND GRANTS FROM THE LAW ENFORCEMENT, PUBLIC
40 SAFETY, AND CRIMINAL JUSTICE INFORMATION-SHARING GRANT PROGRAM
41 CREATED IN SECTION 24-33.5-1617 FOR THE 2018-19 FISCAL YEAR, BASED
42 ON RECOMMENDATIONS OF THE JOINT BUDGET COMMITTEE OR THE
43 LEGISLATIVE AUDIT COMMITTEE. THIS SUBSECTION (2)(b)(IV)(O) IS

1 REPEALED, EFFECTIVE JULY 1, 2021.
2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety."

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