

CHAPTER 329

GOVERNMENT - STATE

HOUSE BILL 07-1064

BY REPRESENTATIVE(S) Mitchell V., Balmer, Borodkin, Buescher, Carroll T., Curry, Frangas, Gagliardi, Gallegos, Gardner B., Gibbs, Green, Hicks, Hodge, Jahn, Kefalas, Kerr A., Kerr J., King, Labuda, Lambert, Levy, Looper, Lundberg, Madden, Marostica, Marshall, Massey, May M., McGihon, McNulty, Peniston, Pommer, Primavera, Rice, Riesberg, Roberts, Romanoff, Soper, Stafford, Stephens, Summers, Todd, Vaad, White, Witwer, and Swalm;
also SENATOR(S) Sandoval, Boyd, Groff, Harvey, Morse, Shaffer, Spence, Taylor, Tochtrop, Tupa, Ward, and Wiens.

AN ACT

CONCERNING GRANTS TO ENCOURAGE THE USE OF TRACKING TECHNOLOGY BY COUNTIES TO LOCATE PEOPLE WHO BECOME LOST AS A RESULT OF A COGNITIVE IMPAIRMENT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 24-33.5-102 (1), Colorado Revised Statutes, is amended, and the said 24-33.5-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

24-33.5-102. Definitions. As used in this article, unless the context otherwise requires:

(1) ~~"Department" means the department of public safety.~~ "COUNTY" MEANS ANY COUNTY IN THIS STATE AND INCLUDES A CITY AND COUNTY.

(1.5) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY.

(4) "LIFESAVER PROGRAM" OR "PROGRAM" MEANS A SEARCH AND RESCUE PROGRAM DESIGNED TO QUICKLY FIND A WANDERING, LOST, AND MISSING PERSON, AS DESCRIBED IN SECTION 24-33.5-415.9 (2).

SECTION 2. Part 4 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-415.9. Local lifesaver programs - legislative declaration -

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

administration - rules - grants to counties - program requirements - cash fund.

(1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) THERE ARE CURRENTLY MILLIONS OF PEOPLE IN THE UNITED STATES WITH MEDICAL CONDITIONS THAT CAUSE WANDERING, WITH MANY OF THESE INDIVIDUALS BECOMING LOST AND MISSING.

(b) IN COLORADO, THERE ARE CURRENTLY ESTIMATED TO BE APPROXIMATELY SEVENTY-NINE THOUSAND PEOPLE WITH MEDICAL CONDITIONS, SUCH AS ALZHEIMER'S DISEASE, AUTISM, DOWN SYNDROME, AND OTHER MENTAL IMPAIRMENTS, THAT CAUSE WANDERING.

(c) IT IS ESTIMATED THAT THE NUMBER OF PEOPLE IN COLORADO WITH ALZHEIMER'S DISEASE ALONE WILL INCREASE TO APPROXIMATELY ONE HUNDRED FORTY THOUSAND BY 2025.

(d) LOCAL LAW ENFORCEMENT AGENCIES CURRENTLY EXPEND SIGNIFICANT RESOURCES SEARCHING FOR INDIVIDUALS WITH MEDICAL CONDITIONS WHO WANDER AND BECOME LOST AND MISSING.

(e) TECHNOLOGY ENABLING THE QUICK LOCATION OF MISSING AND LOST INDIVIDUALS NOW EXISTS, AND THE USE OF THIS TECHNOLOGY WOULD BE BENEFICIAL TO THE CITIZENS OF COLORADO BY ALLOWING LOST AND MISSING INDIVIDUALS TO BE LOCATED QUICKLY AND SAFELY IN A MANNER THAT IS MORE COST-EFFECTIVE FOR THE CITIZENS OF COLORADO.

(f) ESTABLISHING A GRANT PROGRAM TO ENCOURAGE COUNTY SHERIFFS' DEPARTMENTS TO ESTABLISH LIFESAVER PROGRAMS PURSUANT TO THIS SECTION WILL BE BENEFICIAL TO THE CITIZENS OF COLORADO BY SAVING THE LIVES OF LOST AND MISSING PERSONS.

(2) THE GENERAL ASSEMBLY ENCOURAGES EACH COUNTY OR ANY COMBINATION OF COUNTIES TO IMPLEMENT A LIFESAVER PROGRAM, UNDER WHICH A PARTICIPANT WEARS A SMALL TRANSMITTER ON HIS OR HER WRIST TO ALLOW THE COUNTY SHERIFFS' DEPARTMENTS TO ELECTRONICALLY LOCATE THE PARTICIPANT IF NECESSARY USING A RADIO RECEIVER.

(3) THE EXECUTIVE DIRECTOR SHALL SERVE AS THE LIAISON TO LIFESAVER PROGRAMS IN COUNTIES THAT CHOOSE TO IMPLEMENT THEM AND SHALL ADMINISTER THE STATE GRANT MONEYS AWARDED FOR THE PURPOSE OF STARTING THE PROGRAMS. THE EXECUTIVE DIRECTOR MAY PROMULGATE SUCH RULES AS ARE NECESSARY FOR THE ADMINISTRATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO ANNUAL DEADLINES FOR SUBMITTING APPLICATIONS, REPORTING OF SEARCH AND RESCUE STATISTICS USING TECHNOLOGY OBTAINED UNDER THIS SECTION, AND IMPLEMENTATION POLICIES FOR PROGRAMS. THE MAXIMUM AMOUNT THAT A COUNTY MAY RECEIVE FOR STARTUP IS TEN THOUSAND DOLLARS.

(4)(a) IF A COUNTY INITIATES A LIFESAVER PROGRAM, IT MAY SUBMIT A WRITTEN APPLICATION IN A FORM SPECIFIED BY THE EXECUTIVE DIRECTOR. COUNTIES MAY SUBMIT APPLICATIONS JOINTLY. THE APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) AN ESTIMATE OF THE NUMBER OF PEOPLE WHO MIGHT QUALIFY FOR ASSISTANCE IN THE COUNTY;

(II) AN ESTIMATE OF THE STARTUP COST; AND

(III) A STATEMENT OF THE NUMBER OF PERSONNEL AVAILABLE FOR TRACKING LOST INDIVIDUALS.

(b) THE EXECUTIVE DIRECTOR SHALL PRIORITIZE THE GRANT AWARDS IN ACCORDANCE WITH THE RESPECTIVE NEEDS OF EACH COUNTY FOR TRACKING SERVICES AND THE AVAILABILITY OF LOCAL FUNDING SOURCES, AS DOCUMENTED IN THE APPLICATIONS SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4). AWARDS TO QUALIFYING COUNTIES SHALL BE PRORATED IN ACCORDANCE WITH THE AVAILABILITY OF STATE GRANT FUNDS.

(5) (a) IF A COUNTY ACCEPTS A GRANT UNDER THIS SECTION, THE COUNTY SHALL USE SUCH GRANT MONEYS TO PURCHASE EMERGENCY RESPONSE KITS, WHICH SHALL INCLUDE EQUIPMENT NECESSARY TO TRACK AND TRIANGULATE SEARCHES, AS WELL AS TRANSMITTERS, AND SHALL PROVIDE SUCH TRAINING AS IS NECESSARY FOR SEARCH PERSONNEL. GRANT MONEYS AWARDED UNDER THIS SECTION SHALL BE USED FOR STARTUP CAPITAL EQUIPMENT COSTS AND INITIAL TRAINING OF SEARCH PERSONNEL AND INVENTORY INCLUDING TRANSMITTERS OR ANY OTHER RELATED EQUIPMENT OR TRAINING REQUIRED IN ORDER TO IMPLEMENT THE PROGRAM. COUNTIES ACCEPTING GRANT MONEYS UNDER THIS SECTION SHALL MANAGE AND PROVIDE ONGOING COSTS ASSOCIATED WITH LIFESAVER PROGRAMS ONCE IMPLEMENTED.

(b) FOR ALL COUNTIES ESTABLISHING A LIFESAVER PROGRAM UNDER THIS SECTION, THE ALZHEIMER'S ASSOCIATION COLORADO CHAPTER, OR ITS SUCCESSOR ORGANIZATION, SHALL PROVIDE FREE TRAINING FOR LAW ENFORCEMENT AND FAMILIES ABOUT THE DANGERS OF WANDERING AND OTHER POTENTIALLY HAZARDOUS BEHAVIOR SECONDARY TO ALZHEIMER'S DISEASE, AS WELL AS FOLLOW-UP WITH FAMILIES WHEN A WANDERING INCIDENT HAS OCCURRED. THE TRAINING SHALL DELINEATE THE COURSE OF THE DISEASE AND THE POTENTIAL FOR PROBLEMATIC BEHAVIOR THAT EXISTS IN EACH STAGE, AND SHALL PROVIDE FAMILIES AND THE LAW ENFORCEMENT COMMUNITY WITH THE TOOLS FOR HANDLING DIFFICULT SITUATIONS WHEN THEY ARISE AND STRATEGIES FOR WARDING OFF BEHAVIOR BEFORE IT THREATENS THE LIFE AND SAFETY OF AN INDIVIDUAL WITH ALZHEIMER'S DISEASE.

(6) THERE IS HEREBY CREATED IN THE STATE TREASURY THE LIFESAVER PROGRAM CASH FUND. THE MONEYS IN THE CASH FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS OF THE ADMINISTRATION OF THIS SECTION, INCLUDING GRANTS TO COUNTIES TO IMPLEMENT LIFESAVER PROGRAMS. ANY INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE CASH FUND SHALL REMAIN IN THE CASH FUND AND SHALL NOT REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE MAXIMUM AMOUNT OF STATE MONEYS MADE AVAILABLE TO IMPLEMENT LIFESAVER PROGRAMS UNDER THIS SECTION SHALL BE THREE HUNDRED EIGHTY THOUSAND DOLLARS.

SECTION 3. 25-36-101, Colorado Revised Statutes, as enacted by Senate Bill 07-097, enacted at the First Regular Session of the Sixty-sixth General Assembly, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-36-101. Short-term grants for innovative health programs - grant fund - creation. (9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, FOR THE 2007-08 FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER THE LESSER OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS OR TWELVE AND FIVE-TENTHS PERCENT OF THE AMOUNT ALLOCATED TO THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND FOR THE FISCAL YEAR AS PROVIDED BY LAW, FROM THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND TO THE LIFESAVER PROGRAM CASH FUND CREATED IN SECTION 24-33.5-415.9 (6), C.R.S., FOR PURPOSES OF GRANTS TO ENCOURAGE COUNTY SHERIFFS' DEPARTMENTS TO ESTABLISH LIFESAVER PROGRAMS.

SECTION 4. Section 14 (5) (c) of Senate Bill 07-097, enacted at the First Regular Session of the Sixty-sixth General Assembly, is amended to read:

Section 14. **Appropriation.** (5) (c) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the short-term innovative health program grant fund created in section 25-36-101 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2007, the sum of ~~one million four hundred thousand dollars (\$1,400,000)~~, ONE MILLION TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$1,275,000), cash funds exempt, and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the lifesaver program cash fund created in section 24-33.5-415.9, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for allocation to the executive director of the department of public safety, for the fiscal year beginning July 1, 2007, the lesser of the sum of one hundred twenty-five thousand dollars (\$125,000) or twelve and five-tenths percent (12.5%) of the amount allocated to the short-term innovative health program grant fund for the fiscal year as provided by law, or so much thereof as may be necessary, for the implementation of this act.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2007