

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

REVISED

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

LLS NO. 22-0678.01 Conrad Imel x2313

HOUSE BILL 22-1234

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A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING A PREVENTING IDENTITY-BASED**
102 **VIOLENCE GRANT PROGRAM, AND, IN CONNECTION THEREWITH,**
103 **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 preventing identity-based violence grant program to provide grants for programs that focus on building strong communities and preventing acts of violence that threaten human life or critical infrastructure or key resources in which actors or groups intentionally target a discernible population of individuals or venue in a

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.

SENATE
2nd Reading Unamended
April 27, 2022

HOUSE
3rd Reading Unamended
March 25, 2022

HOUSE
Amended 2nd Reading
March 23, 2022

manner that poses a threat to homeland security (identity-based violence). A project funded with a grant award must build awareness for the prevention and intervention of identity-based violence within Colorado communities; strengthen local collaboration and capabilities for prevention and intervention of identity-based violence; or build sustainable support for the prevention and intervention of identity-based violence. A project must not infringe on individual privacy, civil rights, and civil liberties. The bill requires the general assembly to annually appropriate one million dollars to implement the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 24-33.5-1620** as
3 follows:

4 **24-33.5-1620. Preventing identity-based violence grant**
5 **program - creation - report - rules - definitions.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "EDUCATIONAL ENTITY" MEANS A SCHOOL DISTRICT; A BOARD
8 OF COOPERATIVE SERVICES; A DISTRICT CHARTER SCHOOL OR AN
9 INSTITUTE CHARTER SCHOOL OPERATING PURSUANT TO ARTICLE 30.5 OF
10 TITLE 22; A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN
11 SECTION 23-18-102 (10)(a); A LOCAL DISTRICT COLLEGE, CREATED
12 PURSUANT TO ARTICLE 71 OF TITLE 23; AN AREA TECHNICAL COLLEGE, AS
13 DEFINED IN SECTION 23-60-103; OR A PRIVATE INSTITUTION OF HIGHER
14 EDUCATION, AS DEFINED IN SECTION 23-18-102 (9).

15 (b) "ELIGIBLE ENTITY" MEANS A COUNTY, MUNICIPALITY, OR CITY
16 AND COUNTY, AND ANY AGENCY THEREOF; AN AMERICAN INDIAN TRIBE;
17 A LAW ENFORCEMENT AGENCY; A DISTRICT ATTORNEY'S OFFICE; AN
18 EDUCATIONAL ENTITY; AND A NONPROFIT ORGANIZATION THAT IS EXEMPT
19 FROM TAXATION UNDER SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL
20 REVENUE CODE OF 1986", AS AMENDED, WHICH MAY BE A

1 COMMUNITY-BASED NONPROFIT ORGANIZATION THAT HAS EXPERIENCE
2 WORKING WITH THOSE AFFECTED BY IDENTITY-BASED VIOLENCE.

3 (c) "INTELLIGENCE INFORMATION" MEANS EVALUATED DATA
4 RELEVANT TO THE IDENTIFICATION OF ACTIVITY ENGAGED IN BY AN
5 INDIVIDUAL OR ORGANIZATION REASONABLY SUSPECTED OF INVOLVEMENT
6 IN CRIMINAL ACTIVITY THAT MEETS CRIMINAL INTELLIGENCE SYSTEM
7 SUBMISSION CRITERIA AS SET FORTH IN 28 CFR PART 23.

8 (d) "OFFICE" MEANS THE OFFICE OF PREVENTION AND SECURITY
9 CREATED IN SECTION 24-33.5-1606.

10 (e) "PROGRAM" MEANS THE PREVENTING IDENTITY-BASED
11 VIOLENCE GRANT PROGRAM ESTABLISHED IN SUBSECTION (2)(a) OF THIS
12 SECTION.

13 (2) (a) THERE IS ESTABLISHED IN THE DIVISION THE PREVENTING
14 IDENTITY-BASED VIOLENCE GRANT PROGRAM TO PROVIDE GRANTS TO
15 ELIGIBLE ENTITIES FOR PROGRAMS THAT FOCUS ON BUILDING STRONG
16 COMMUNITIES AND PREVENTING ACTS OF VIOLENCE THAT THREATEN
17 HUMAN LIFE OR CRITICAL INFRASTRUCTURE, VENUES, OR KEY RESOURCES,
18 IN WHICH ACTORS OR GROUPS INTENTIONALLY TARGET A DISCERNIBLE
19 POPULATION OF INDIVIDUALS, SUCH AS A POPULATION DETERMINED BY ITS
20 MEMBERS' ETHNICITY, NATIONAL ORIGIN, RELIGION, OR SEXUAL
21 ORIENTATION OR IDENTITY, IN A MANNER THAT POSES A THREAT TO
22 HOMELAND SECURITY, REFERRED TO IN THIS SECTION AS "IDENTITY-BASED
23 VIOLENCE". THE OFFICE SHALL ADMINISTER THE PROGRAM IN
24 ACCORDANCE WITH THIS SECTION AND DEPARTMENT RULES.

25 (b) (I) A PROJECT FUNDED WITH A GRANT AWARD MUST FURTHER
26 AT LEAST ONE OF THE FOLLOWING PROGRAM GOALS:

27 (A) BUILDING AWARENESS FOR THE PREVENTION AND

1 INTERVENTION OF IDENTITY-BASED VIOLENCE WITHIN COLORADO
2 COMMUNITIES;

3 (B) STRENGTHENING LOCAL COLLABORATION AND CAPABILITIES
4 FOR PREVENTION AND INTERVENTION OF IDENTITY-BASED VIOLENCE; OR

5 (C) BUILDING SUSTAINABLE SUPPORT FOR THE PREVENTION AND
6 INTERVENTION OF IDENTITY-BASED VIOLENCE.

7 (II) A PROJECT MUST NOT INFRINGE ON INDIVIDUAL PRIVACY, CIVIL
8 RIGHTS, AND CIVIL LIBERTIES.

9 (III) (A) A GRANT RECIPIENT THAT IS NOT A LAW ENFORCEMENT
10 AGENCY SHALL NOT COLLECT OR MAINTAIN INTELLIGENCE INFORMATION
11 ABOUT THE POLITICAL, RELIGIOUS, OR SOCIAL VIEWS, ASSOCIATIONS, OR
12 ACTIVITIES OF ANY INDIVIDUAL OR GROUP, ASSOCIATION, CORPORATION,
13 BUSINESS PARTNERSHIP, OR OTHER ORGANIZATION.

14 (B) A LAW ENFORCEMENT AGENCY SHALL COMPLY WITH THE
15 REQUIREMENTS SET FORTH IN 28 CFR PART 23 WITH REGARD TO THE
16 COLLECTION, MAINTENANCE, AND USE OF INTELLIGENCE INFORMATION
17 LEARNED BY THE AGENCY THROUGH A PROGRAM FUNDED WITH A GRANT
18 AWARD, REGARDLESS OF WHETHER THE AGENCY IS A DIRECT GRANT
19 RECIPIENT OR IS ACTING IN PARTNERSHIP WITH A GRANT RECIPIENT.

20 (3) (a) THE DEPARTMENT SHALL PROMULGATE RULES AS
21 NECESSARY FOR THE ADMINISTRATION OF THIS SECTION. AT A MINIMUM,
22 THE RULES MUST SPECIFY THE FOLLOWING:

23 (I) THE CONTENT OF A GRANT APPLICATION, THE DEADLINE FOR
24 SUBMITTING A GRANT APPLICATION, AND THE DEADLINE FOR THE DIVISION
25 TO AWARD GRANTS;

26 (II) CRITERIA FOR SELECTING GRANT RECIPIENTS, WHICH MAY
27 INCLUDE CONSIDERATION OF ANNUAL GRANT PRIORITIES DESCRIBED IN

1 SUBSECTION (3)(b) OF THIS SECTION;

2 (III) GUIDELINES FOR DETERMINING THE AMOUNT OF EACH GRANT
3 AWARD;

4 (IV) A PROCESS FOR VERIFYING THAT GRANT RECIPIENTS ARE
5 COMPLYING WITH THE REQUIREMENTS OF THE PROGRAM; AND

6 (V) REQUIREMENTS FOR GRANT RECIPIENTS TO REPORT
7 INFORMATION NECESSARY FOR THE DEPARTMENT TO MAKE THE REPORT
8 REQUIRED PURSUANT TO SUBSECTION (7) OF THIS SECTION.

9 (b) THE DEPARTMENT SHALL ANNUALLY EVALUATE
10 ENVIRONMENTAL FACTORS THAT LEAD TO IDENTITY-BASED VIOLENCE AND
11 CHALLENGES TO REDUCING IDENTITY-BASED VIOLENCE. THE DEPARTMENT
12 MAY ESTABLISH ANNUAL PRIORITIES FOR THE PROGRAM THAT ADDRESS
13 THE IDENTIFIED FACTORS AND CHALLENGES.

14 (4) IN ORDER TO RECEIVE A GRANT, AN ELIGIBLE ENTITY THAT IS
15 NOT A COMMUNITY-BASED NONPROFIT ORGANIZATION THAT HAS
16 EXPERIENCE WORKING WITH THOSE AFFECTED BY IDENTITY-BASED
17 VIOLENCE MUST PARTNER WITH A COMMUNITY-BASED NONPROFIT
18 ORGANIZATION WITH THAT EXPERIENCE TO CARRY OUT THE PROJECT
19 FUNDED BY A GRANT AWARD. AN ELIGIBLE ENTITY SEEKING A GRANT
20 AWARD MUST SUBMIT A COMPLETE APPLICATION TO THE OFFICE. AT A
21 MINIMUM, THE GRANT APPLICATION MUST:

22 (a) DESCRIBE THE COMMUNITY-BASED NONPROFIT ORGANIZATION
23 THAT THE APPLICANT HAS PARTNERED WITH AND HOW FUNDS WILL BE
24 ALLOCATED AMONG THE APPLICANT AND ITS PARTNER NONPROFIT
25 ORGANIZATION, IF APPLICABLE;

26 (b) DESCRIBE THE PROJECT THAT WILL BE FUNDED WITH A GRANT
27 AWARD, INCLUDING:

1 (I) WHICH PROGRAM GOAL, AS DESCRIBED IN SUBSECTION (2)(b)
2 OF THIS SECTION, IS FURTHERED BY THE PROPOSED PROJECT; AND

3 (II) HOW THE PROJECT ALIGNS WITH PROGRAM GOALS DESCRIBED
4 IN THIS SECTION AND THE ANNUAL GRANT PRIORITIES DETERMINED BY THE
5 DEPARTMENT;

6 (c) DEMONSTRATE THAT THE APPLICANT HAS SUFFICIENT
7 AUTHORITY AND CAPACITY TO IMPLEMENT THE PROJECT OUTLINED IN THE
8 APPLICANT'S GRANT PROPOSAL, INCLUDING THE CAPABILITY TO ENGAGE
9 THE PARTICIPANTS THE APPLICANT PROPOSES TO INCLUDE IN THE PROJECT;
10 AND

11 (d) DESCRIBE ANY POTENTIAL IMPACTS OF THE PROJECT ON
12 INDIVIDUALS' PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES AND EXPLAIN
13 HOW THE APPLICANT WILL PREVENT OR MITIGATE THOSE IMPACTS AND
14 ADMINISTER THE APPLICANT'S PROJECTS IN A NONDISCRIMINATORY
15 MANNER.

16 (5) (a) THE OFFICE SHALL:

17 (I) ACCEPT AND REVIEW GRANT APPLICATIONS;

18 (II) AWARD GRANTS IN ACCORDANCE WITH THE CRITERIA
19 ESTABLISHED BY RULES PROMULGATED BY THE DEPARTMENT AND
20 DETERMINE THE AMOUNT, BASED ON AVAILABLE APPROPRIATIONS, THAT
21 WILL BE AWARDED TO EACH GRANT RECIPIENT; AND

22 (III) VERIFY THAT GRANT RECIPIENTS ARE COMPLYING WITH THE
23 REQUIREMENTS OF THE PROGRAM.

24 (b) THE OFFICE SHALL INCLUDE IN EACH GRANT AWARD ANY
25 PROJECT PERFORMANCE MEASURES THAT THE GRANT RECIPIENT MUST
26 REPORT TO THE OFFICE.

27 (6) (a) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED

1 THROUGH THE PROGRAM TO SUPPORT THE PROPOSED PROJECT INCLUDED
2 IN THE GRANT APPLICATION, AND UP TO FIVE PERCENT OF THE AWARD MAY
3 BE USED FOR MANAGEMENT AND ADMINISTRATION OF THE GRANT FUNDS.
4 GRANT RECIPIENTS SHALL NOT USE ANY PART OF A GRANT AWARD AS
5 MATCHING FUNDS FOR OTHER GRANTS OR COOPERATIVE AGREEMENTS OR
6 FOR LOBBYING EFFORTS, LITIGATION COSTS, OR INTERVENTION IN
7 REGULATORY OR ADJUDICATORY PROCEEDINGS.

8 (b) A GRANT RECIPIENT SHALL SUBMIT A QUARTERLY REPORT TO
9 THE OFFICE THAT DESCRIBES ANY USE OF GRANT MONEY AND WHETHER
10 THE PROJECT HAS MET ANY PERFORMANCE MEASURES IDENTIFIED IN THE
11 GRANT APPLICATION OR SET BY THE OFFICE IN THE GRANT AWARD.

12 (7) (a) ON OR BEFORE JULY 31, 2023, AND ON OR BEFORE JULY 31
13 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT
14 TO THE GENERAL ASSEMBLY CONCERNING THE ACTIVITIES OF THE
15 PROGRAM DURING THE PRIOR STATE FISCAL YEAR. THE REPORT MUST
16 INCLUDE THE FOLLOWING INFORMATION ABOUT THE PROGRAM:

- 17 (I) THE NUMBER AND AMOUNT OF GRANTS AWARDED;
- 18 (II) THE NUMBER OF COUNTIES IMPACTED BY GRANT AWARDS; AND
- 19 (III) WHETHER GRANT RECIPIENTS ARE MEETING PROJECT
20 PERFORMANCE MEASURES AND OVERALL PROGRAM GOALS.

21 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
22 REPORTING REQUIREMENT IN THIS SECTION CONTINUES INDEFINITELY.

23 (8) (a) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
24 ONE MILLION DOLLARS TO THE DEPARTMENT TO IMPLEMENT THE
25 PROGRAM.

26 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
27 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE

1 PURPOSES OF THIS SECTION.

2 **SECTION 2. Appropriation.** (1) For the 2022-23 state fiscal
3 year, \$1,000,000 is appropriated to the department of public safety for use
4 by the division of homeland security and emergency management. This
5 appropriation is from the general fund. To implement this act, the division
6 may use this appropriation as follows:

7 (a) \$29,615 for personal services related to the office of
8 prevention and security, which amount is based on an assumption that the
9 office will require an additional 0.5 FTE;

10 (b) \$7,550 for operating expenses related to the office of
11 prevention and security; and

12 (c) \$962,835 for program administration related to the office of
13 preparedness, which amount is based on an assumption that the office will
14 require an additional 0.5 FTE.

15 **SECTION 3. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.