

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 22-1077

BY REPRESENTATIVE(S) Michaelson Jenet and Jodeh, Amabile, Benavidez, Bird, Boesenecker, Caraveo, Cutter, Esgar, Gonzales-Gutierrez, Herod, Lindsay, Lontine, McCluskie, Roberts, Sirota, Titone, Valdez A., Valdez D., Weissman, Garnett, Exum, Mullica;
also SENATOR(S) Priola and Hansen, Bridges, Hinrichsen, Moreno, Pettersen, Fenberg.

CONCERNING THE CREATION OF THE COLORADO NONPROFIT SECURITY GRANT PROGRAM FOR QUALIFIED NONPROFIT ORGANIZATIONS AT HIGH RISK OF A TERRORIST ATTACK WHO APPLIED FOR BUT DID NOT RECEIVE A GRANT FROM THE FEDERAL NONPROFIT SECURITY GRANT PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) The federal nonprofit security grant program (NSGP) administered by the federal emergency management agency provides funding for physical security enhancements and other security-related

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.

activities to qualified nonprofit organizations that are at high risk of a terrorist attack. These nonprofit organizations, including houses of worship, have been able to apply for funding to protect against these attacks through the federal NSGP, but current funding levels are not sufficient for the demand.

(b) In 2021, 3,361 nonprofit organizations applied to the federal NSGP for a total of \$400 million, but only 1,532 applications were approved, receiving a combined total of \$180 million - the amount budgeted for the federal NSGP. In Colorado, 51 nonprofit organizations applied for a total of \$6,579,875, but only 10 nonprofit organizations were approved, receiving a combined total of \$1,113,774.

(c) From 2019 to 2020, hate crimes in Colorado increased by 22.3% from 279 to 340, the highest number since these statistics were recorded. Nationally, hate crimes increased by 13% from 7,287 to 8,263. Of that amount, 2,433 targeted property, including 292 targeting houses of worship, 228 targeting schools, 108 targeting medical facilities, 33 targeting community centers, and 6 targeting day care facilities.

(d) Extremists with the potential to take violent action pose a high risk to minority communities in Colorado. In November 2019, the federal bureau of investigation foiled an attempted bombing of Temple Emanuel in Pueblo, Colorado. That same month, Denver police apprehended an individual menacing congregants with weapons outside of the Downtown Denver Islamic Center.

(2) Therefore, the general assembly declares it is important for Colorado to create a state-funded nonprofit security grant program to ensure that more Colorado-based nonprofit organizations receive grants to complete potentially life-saving projects that thwart off potential terrorist attacks in the future.

SECTION 2. In Colorado Revised Statutes, **add** 24-33.5-1622 as follows:

24-33.5-1622. Colorado nonprofit security grant program - rules - definitions - appropriation. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FEDERAL PROGRAM" MEANS THE FEDERAL NONPROFIT SECURITY GRANT PROGRAM ADMINISTERED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(b) "GRANT PROGRAM" MEANS THE COLORADO NONPROFIT SECURITY GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

(2) **Program created - allowable costs - rules.** (a) THERE IS CREATED IN THE DIVISION THE COLORADO NONPROFIT SECURITY GRANT PROGRAM TO PROVIDE GRANTS TO NONPROFIT ORGANIZATIONS FOR PHYSICAL SECURITY ENHANCEMENTS AND OTHER SECURITY-RELATED ACTIVITIES.

(b) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED FOR SECURITY-RELATED ACTIVITIES, INCLUDING BUT NOT LIMITED TO:

(I) THE INSTALLATION OF SECURITY EQUIPMENT ON REAL PROPERTY OWNED OR LEASED BY THE NONPROFIT ORGANIZATION;

(II) SECURITY-RELATED PLANNING, EXERCISES, TRAINING, AND CONTRACTED SECURITY PERSONNEL;

(III) NEW OR EXISTING INFRASTRUCTURE; EXCEPT THAT PRIORITY MUST BE GIVEN TO EXISTING INFRASTRUCTURE PROJECTS; OR

(IV) ANY OTHER SECURITY ENHANCEMENTS APPROVED BY THE DIVISION AND IN ACCORDANCE WITH THE ALLOWABLE COSTS UNDER THE FEDERAL PROGRAM.

(c) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM, AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION; EXCEPT THAT A GRANT AWARD MAY NOT BE GREATER THAN FIFTY THOUSAND DOLLARS.

(d) NO LATER THAN AUGUST 30, 2022, THE DIRECTOR SHALL PROMULGATE RULES NECESSARY TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY:

(I) THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM APPLICATION, THE CRITERIA FOR EVALUATING THE

FINANCIAL NEED OF GRANT APPLICANTS, THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY, AND REQUIREMENTS FOR REPORTS FROM GRANT RECIPIENTS; AND

(II) THAT A GRANT RECIPIENT MUST HAVE SUBMITTED AN APPLICATION FOR, BUT NOT BEEN SELECTED TO RECEIVE, A GRANT UNDER THE FEDERAL PROGRAM.

(e) NO LATER THAN DECEMBER 1, 2022, THE DIVISION SHALL BEGIN ACCEPTING APPLICATIONS IN ACCORDANCE WITH THE RULES PROMULGATED IN ACCORDANCE WITH SUBSECTION (2)(d) OF THIS SECTION.

(3) **Application - criteria - award.** (a) TO RECEIVE A GRANT, A NONPROFIT ORGANIZATION SHALL SUBMIT AN APPLICATION TO THE DIVISION IN ACCORDANCE WITH THE RULES PROMULGATED PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION.

(b) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED IN ACCORDANCE WITH THIS SECTION. IN AWARDING THE GRANTS, THE DIVISION SHALL CONSIDER THE FINANCIAL NEED OF THE APPLICANT, AS DETERMINED IN ACCORDANCE WITH THE RULES PROMULGATED PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION.

(c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIVISION SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. THE DIVISION SHALL ANNOUNCE GRANT AWARDS ON ITS WEBSITE WITHIN FIVE BUSINESS DAYS AFTER MAKING THE AWARDS. THE DIVISION SHALL DISTRIBUTE THE GRANT MONEY WITHIN THIRTY DAYS AFTER AWARDING THE GRANTS.

(4) **Reporting requirement.** EACH GRANT RECIPIENT SHALL SUBMIT THE FOLLOWING INFORMATION TO THE DIVISION IN ACCORDANCE WITH THE RULES PROMULGATED PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION:

- (a) A PROJECT IMPLEMENTATION PLAN;
- (b) A QUARTERLY PROGRESS REPORT;
- (c) A SUMMARY REPORT UPON COMPLETION OF THE PROJECT; AND
- (d) ANY REIMBURSEMENT REQUEST.

(5) **Appropriation.** FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT FOR USE BY THE DIVISION FOR THE PURPOSES OF THIS SECTION.

SECTION 3. Appropriation. For the 2022-23 state fiscal year, \$500,000 is appropriated to the department of public safety for use by the division of homeland security and emergency management. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.9 FTE. To implement this act, the division may use this appropriation for program administration related to the office of preparedness.

SECTION 4. 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

Steve Fenberg
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