

**First 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. 21-1027.01 Jacob Baus x2173

SENATE BILL 21-280

SENATE SPONSORSHIP

Fields and Cooke, Bridges, Buckner, Danielson, Fenberg, Garcia, Ginal, Gonzales, Hansen, Holbert, Jaquez Lewis, Kolker, Lee, Lundeen, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Story, Winter

HOUSE SPONSORSHIP

Weissman and Soper,

Senate Committees

State, Veterans, & Military Affairs

House Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING CRIMES THAT ARE BIAS-MOTIVATED.**

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 specifies that for harassment that is bias-motivated or a bias-motivated crime, the bias motivation only needs to be part of the defendant's motivation in committing the crime.

The bill makes the crime of harassment when the harassment is bias-motivated a victim rights act crime, which provides a victim certain statutory rights.

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.

HOUSE
Amended 2nd Reading
June 3, 2021

SENATE
3rd Reading Unamended
May 27, 2021

SENATE
2nd Reading Unamended
May 26, 2021

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-111, **amend** (2)
3 as follows:

4 **18-9-111. Harassment - Kiana Arellano's law.** (2) Harassment
5 pursuant to subsection (1) of this section is a class 3 misdemeanor; except
6 that harassment is a class 1 misdemeanor if the offender commits
7 harassment pursuant to subsection (1) of this section with the intent to
8 intimidate or harass another person, IN WHOLE OR IN PART, because of that
9 person's actual or perceived race; color; religion; ancestry; national
10 origin; physical or mental disability, as defined in section 18-9-121 (5)(a);
11 or sexual orientation, as defined in section 18-9-121 (5)(b).

12 **SECTION 2.** In Colorado Revised Statutes, 18-9-121, **amend** (2)
13 introductory portion as follows:

14 **18-9-121. Bias-motivated crimes.** (2) A person commits a
15 bias-motivated crime if, with the intent to intimidate or harass another
16 person, IN WHOLE OR IN PART, because of that person's actual or perceived
17 race, color, religion, ancestry, national origin, physical or mental
18 disability, or sexual orientation, he or she:

19 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-302, **add**
20 (1)(cc.4) as follows:

21 **24-4.1-302. Definitions.** As used in this part 3, and for no other
22 purpose, including the expansion of the rights of any defendant:

23 (1) "Crime" means any of the following offenses, acts, and
24 violations as defined by the statutes of the state of Colorado, whether
25 committed by an adult or a juvenile:

26 (cc.4) HARASSMENT THAT IS BIAS-MOTIVATED, IN VIOLATION OF
27 SECTION 18-9-111 (2);

1 **SECTION 4.** In Colorado Revised Statutes, **add 24-33.5-1618** as
2 follows:

3 **24-33.5-1618. Preventing targeted violence training program**
4 **- grant program - guidelines - fund - definitions.** (1) AS USED IN THIS
5 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "FUND" MEANS THE PREVENTING TARGETED VIOLENCE
7 TRAINING GRANT PROGRAM FUND CREATED IN SUBSECTION (5) OF THIS
8 SECTION.

9 (b) "GRANT PROGRAM" MEANS THE PREVENTING TARGETED
10 VIOLENCE TRAINING GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS
11 SECTION.

12 (c) "TARGETED VIOLENCE" MEANS ACTS OF VIOLENCE OR SPECIFIC
13 THREATS OF VIOLENCE THAT ARE BIAS MOTIVATED AND DIRECTED
14 TOWARD A SPECIFIC INDIVIDUAL OR INDIVIDUALS BASED ON ACTUAL OR
15 PERCEIVED RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN,
16 PHYSICAL OR MENTAL DISABILITY, OR SEXUAL ORIENTATION. "TARGETED
17 VIOLENCE" INCLUDES BIAS-MOTIVATED CRIMES. "TARGETED VIOLENCE"
18 MAY LACK A DISCERNABLE POLITICAL OR IDEOLOGICAL MOTIVE BUT MAY
19 BE INTENDED TO INFLICT TRAUMA THROUGH ATTACKS IN SCHOOLS,
20 WORKPLACES, PUBLIC GATHERINGS, OR OTHER SETTINGS.

21 (d) "THREAT ASSESSMENT" MEANS THE PROCESS OF GATHERING
22 INFORMATION IN AN EFFORT TO ESTIMATE THE THREAT OF TARGETED
23 VIOLENCE POSED BY AN INDIVIDUAL OR GROUP OF INDIVIDUALS.

24 (e) "THREAT MANAGEMENT" MEANS STRATEGIES TO PREVENT OR
25 MITIGATE A THREAT OF TARGETED VIOLENCE.

26 (2) THERE IS CREATED IN THE DIVISION THE PREVENTING
27 TARGETED VIOLENCE TRAINING PROGRAM TO:

1 (a) PREVENT TARGETED VIOLENCE THROUGH COMMUNITY
2 ENGAGEMENT AND CITIZEN INVOLVEMENT THROUGH EXTERNAL
3 OUTREACH;

4 (b) IDENTIFY BEST PRACTICES FOR PREVENTING TARGETED
5 VIOLENCE IN COLORADO AND SHARE THOSE PRACTICES WITH STATE,
6 FEDERAL, TRIBAL, AND LOCAL GOVERNMENTS; LAW ENFORCEMENT; FIRST
7 RESPONDERS; BEHAVIORAL HEALTH PROVIDERS; ACADEMIC INSTITUTIONS;
8 CIVIC ORGANIZATIONS; AND FAITH-BASED ORGANIZATIONS;

9 (c) COORDINATE TARGETED VIOLENCE PREVENTION EFFORTS
10 AMONG STATE, FEDERAL, TRIBAL, AND LOCAL GOVERNMENTS; LAW
11 ENFORCEMENT; FIRST RESPONDERS; BEHAVIORAL HEALTH PROVIDERS;
12 ACADEMIC INSTITUTIONS; CIVIC ORGANIZATIONS; AND FAITH-BASED
13 ORGANIZATIONS; AND

14 (d) AWARD AND ADMINISTER GRANTS IN ACCORDANCE WITH THIS
15 SECTION, PROVIDE TECHNICAL ASSISTANCE TO GRANT RECIPIENTS, AND
16 COORDINATE GRANT FUNDING OPPORTUNITIES WITH OTHER STATE
17 AGENCIES.

18 (3) THERE IS CREATED IN THE DIVISION THE PREVENTING
19 TARGETED VIOLENCE TRAINING GRANT PROGRAM TO PROVIDE GRANTS FOR
20 TRAINING PROGRAMS THAT PREVENT TARGETED VIOLENCE AND PROGRAMS
21 THAT PROVIDE THREAT ASSESSMENTS. GRANT RECIPIENTS SHALL USE THE
22 MONEY RECEIVED TO PROVIDE THREAT ASSESSMENTS AND DEVELOP AND
23 PROVIDE TRAINING PROGRAMS, CURRICULA, VIDEOS, DIGITAL AND PRINT
24 TRAINING MATERIALS, AND SEMINARS FOR STATE, FEDERAL, TRIBAL, AND
25 LOCAL GOVERNMENTS; LAW ENFORCEMENT; FIRST RESPONDERS;
26 BEHAVIORAL HEALTH PROVIDERS; ACADEMIC INSTITUTIONS; CIVIC
27 ORGANIZATIONS; AND FAITH-BASED ORGANIZATIONS RELATED TO

1 TARGETED VIOLENCE PREVENTION AND PREPAREDNESS TRAINING,
2 INCLUDING THE RECOGNITION AND REPORTING OF SUSPICIOUS ACTIVITY.

3 (4) TO RECEIVE A GRANT, AN APPLICANT MUST SUBMIT AN
4 APPLICATION TO THE DIVISION IN ACCORDANCE WITH DIVISION
5 GUIDELINES. AT A MINIMUM, THE APPLICATION MUST INCLUDE
6 DOCUMENTATION DEMONSTRATING THAT THE APPLICANT:

7 (a) IS AN ORGANIZATION PROVIDING THREAT ASSESSMENT AND
8 THREAT MANAGEMENT SERVICES RELATED TO PREVENTING TARGETED
9 VIOLENCE;

10 (b) IS EXPERIENCED IN DEVELOPING AND PROVIDING TRAINING
11 PROGRAMS, CURRICULUM, AND SEMINARS CONCERNING PREVENTING
12 TARGETED VIOLENCE;

13 (c) IS EXPERIENCED WORKING WITH STATE AGENCIES, LOCAL
14 GOVERNMENTS, LAW ENFORCEMENT, FIRST RESPONDERS, AND CIVIC OR
15 COMMUNITY ORGANIZATIONS; AND

16 (d) IS EXPERIENCED PROVIDING THREAT ASSESSMENTS OR
17 DEVELOPING TRAINING PROGRAMS, CURRICULUM, AND SEMINARS THAT
18 HAVE BEEN DESIGNATED BY THE UNITED STATES DEPARTMENT OF
19 HOMELAND SECURITY PURSUANT TO THE FEDERAL "SUPPORT
20 ANTI-TERRORISM BY FOSTERING EFFECTIVE TECHNOLOGIES ACT OF
21 2002," AS AMENDED, OR ANY SUCCESSOR LAW.

22 (5) THE PREVENTING TARGETED VIOLENCE TRAINING GRANT
23 PROGRAM FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS
24 OF MONEY APPROPRIATED TO THE FUND PURSUANT TO SUBSECTION (6) OF
25 THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
26 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
27 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND

1 INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY UNEXPENDED
2 AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF THE
3 FISCAL YEAR REMAINS IN THE FUND AND IS NOT CREDITED TO THE
4 GENERAL FUND. SUBJECT TO ANNUAL APPROPRIATIONS BY THE GENERAL
5 ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE FUND FOR THE
6 PURPOSE OF AWARDING GRANTS IN ACCORDANCE WITH THIS SECTION.

7 (6) THE DIVISION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS,
8 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
9 GRANT PROGRAM. THE DIVISION SHALL TRANSFER ANY GIFTS, GRANTS, OR
10 DONATIONS RECEIVED TO THE STATE TREASURER, WHO SHALL CREDIT
11 THEM TO THE FUND.

12

13 **SECTION 5. Applicability.** This act applies to offenses
14 committed on or after the effective date of this act.

15 **SECTION 6. 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.