

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-1036.02 Jane Ritter x4342

SENATE BILL 21-292

SENATE SPONSORSHIP

Winter and Rankin,

HOUSE SPONSORSHIP

Duran,

Senate Committees

Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ALLOCATION OF FIFTEEN MILLION DOLLARS FROM**
102 **THE ECONOMIC RELIEF AND RECOVERY CASH FUND UNDER THE**
103 **FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021" FOR**
104 **PURPOSE OF FUNDING VICTIM'S SERVICES PROGRAMS TO ASSIST**
105 **PERSONS DISPROPORTIONATELY IMPACTED BY THE COVID-19**
106 **PUBLIC HEALTH EMERGENCY, AND, IN CONNECTION THEREWITH,**
107 **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>.)

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.

The federal government enacted the "American Rescue Plan Act of 2021", Pub.L. 117-2, as the act may be subsequently amended, (federal act) to provide support to state, local, and tribal governments in responding to the impact of the COVID-19 public health emergency and to assist them in their efforts to contain the effects of the COVID-19 public health emergency on their communities, residents, and businesses.

As part of the federal act, the state will receive \$3,828,761,790 from the federal coronavirus state fiscal recovery fund to be used for specific purposes identified in the federal act. The bill allocates a total of \$15 million to be appropriated for victim's services programs and purposes related to populations who have been disproportionately negatively affected by the COVID-19 public health emergency, including those affected by domestic violence and sexual assault. The money will be appropriated from the economic recovery and relief cash fund using money from the federal coronavirus state fiscal recovery fund. All money appropriated through the bill must conform with the eligible uses set forth in the federal act.

The bill appropriates money to the following entities:

- The forensic nurse examiner telehealth program;
- The victims and witnesses assistance and law enforcement fund;
- The address confidentiality program fund; and
- The Colorado domestic abuse program fund for the funding of domestic violence programs.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Victims of crime face financial, medical, and logistical barriers
5 to recovering from victimization. This recovery has become more
6 difficult as a result of the COVID-19 public health emergency.

7 (b) A national review of research literature found that domestic
8 violence incidents in the country increased by more than eight percent
9 following the imposition of stay-at-home orders;

10 (c) Research suggests that social isolation is one of the most
11 prominent tactics used by abusers to distance victims from the victims'

1 support networks;

2 (d) Although the stay-at-home orders and general movement
3 restrictions imposed by countries around the world are slowing the
4 infection rate of COVID-19, data suggests that domestic abuse is acting
5 like an opportunistic infection, flourishing in the conditions created by the
6 pandemic;

7 (e) Even prior to the COVID-19 public health emergency, the
8 centers for disease control and prevention estimated that intimate partner
9 violence costs a cisgender female survivor an average of one hundred
10 four thousand dollars across her lifetime;

11 (f) This is compounded by the fact that economic abuse occurs in
12 ninety-nine percent of all instances of intimate partner violence, leaving
13 survivors with little to no income, no access to cash or bank accounts,
14 fraudulent or coerced debt in their names, and damaged financial profiles;

15 (g) Survivors are, on average, four times more likely to have
16 experienced material hardships in the past year, such as food or housing
17 insecurity, compared with the average American adult;

18 (h) The costs associated with experiencing intimate partner
19 violence, compounded by tactics of economic abuse, keep many survivors
20 in danger. In one study, seventy-three percent of survivors reported
21 staying with their abuser because they could not afford to leave, and, of
22 those survivors, fifty percent stayed for two years or longer.

23 (i) A survey of one thousand three hundred twenty-one survivors
24 of domestic violence experienced the following leading impacts of the
25 COVID-19 public health emergency:

26 (I) Escalating violence;

27 (II) Fewer financial resources, making it harder to get or stay safe;

3 (IV) Slowed court proceedings keeping survivors in contact with
4 their abusers and delaying potential income, such as child support;

16 (k) The basic theory of change underlying how domestic violence
17 advocacy organizations' activities impact adult and child survivors'
18 well-being states that common elements of programming, including safety
19 planning, offering encouragement and information, lead to positive
20 participant outcomes, such as increased knowledge and skill, reduced
21 distress, and increased access to community resources. These outcomes
22 contribute to measurable factors improving survivors' well-being,
23 including factors of hopefulness and interpersonal factors of social
24 connectedness, and economic stability, which ultimately assist with social
25 and emotional well-being.

26 (2) The general assembly further finds that:

27 (a) Victims' assistance and law enforcement (VALE) collections

1 have been declining since 2011, while the requests for grants and services
2 continue to increase;

3 (b) As a result of the COVID-19 public health emergency, some
4 local VALE programs reported as much as a forty percent decrease in
5 collections and several of the metropolitan VALE programs had to
6 significantly cut grants this past year by up to fifty percent. One judicial
7 district was unable to award any VALE funds for 2021.

8 (c) Because of the decrease in collections, the state VALE
9 program cut grants from two years to six months for 2021-22.

10 (d) In 2015, the federal government increased the cap on the funds
11 that states could receive as part of their federal "Victims of Crime Act"
12 formula grant. This change resulted in a significant, but inconsistent
13 increase in the amount of federal funds Colorado received.

14 (e) In 2018, the federal award reached a peak of fifty-eight million
15 dollars. Unfortunately, since that time it has decreased annually and the
16 2021 award will be nineteen million dollars, a sixty-seven percent
17 decrease.

18 (f) Victims in Colorado and agencies that provide critical services
19 cannot sustain programming with such inconsistent funding; and

20 (g) The federal "Victims of Crime Act" fund is dwindling and it
21 is unknown when a federal fix will be approved to stabilize this funding
22 source.

23 (3) The general assembly further declares that:

24 (a) The federal government enacted the "American Rescue Plan
25 Act of 2021", Pub.L. 117-2, as the act may be subsequently amended, to
26 provide support to state, local, and tribal governments in responding to
27 the impact of the COVID-19 public health emergency and in their efforts

1 to contain the effects of the COVID-19 public health emergency on their
2 communities, residents, and businesses. Under the federal act, the state of
3 Colorado receives over three billion dollars to be used for the purposes
4 identified in the federal act.

5 (b) Regulations construing the federal act promulgated by the
6 United States treasury identify a nonexclusive list of uses that address the
7 disproportionate negative economic effects of the COVID-19 public
8 health emergency.

9 (4) The general assembly further determines that the programs and
10 services funded by the transfers in this section are appropriate uses of the
11 money transferred to Colorado under the federal act. This money will be
12 put to crucial domestic violence victim's services programs across the
13 state for persons across the state disproportionately affected by the
14 COVID-19 public health emergency. The general assembly further
15 intends that a broad and diverse stakeholder process shall be created to
16 guide the state's use of the money.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 18-3-407.9 as
18 follows:

19 **18-3-407.9. Forensic nurse examiners - telehealth program -**
20 **creation - appropriation.** (1) THERE IS CREATED IN THE DIVISION OF
21 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY THE FORENSIC
22 NURSE EXAMINERS TELEHEALTH PROGRAM, REFERRED TO IN THIS SECTION
23 AS THE "PROGRAM". TELEHEALTH IS AN IMPORTANT WAY TO OFFER
24 MEDICAL SUPPORT, ESPECIALLY IN THE RURAL PARTS OF COLORADO, FROM
25 EXPERIENCED FORENSIC NURSE EXAMINERS, SEXUAL ASSAULT NURSE
26 EXAMINERS, AND OTHER HEALTH-CARE PROVIDERS. FORENSIC NURSE
27 EXAMINERS CAN COLLABORATE DURING A FORENSIC MEDICAL

1 EXAMINATION WITH EMERGENCY DEPARTMENT NURSES AND DOCTORS AT
2 REMOTE SITES IN REAL TIME REGARDLESS OF LOCATION IN THE STATE. THIS
3 HELPS INCREASE THE ACCESS TO COMPETENT FORENSIC EXAMINATIONS
4 AND CARE FOR VICTIMS OF CRIME.

5 (2) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE
6 ECONOMIC RECOVERY AND RELIEF CASH FUND, CREATED IN SECTION
7 24-75-226, AS ENACTED BY SENATE BILL 21-____, ENACTED IN 2021, TO
8 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY
9 TO BE USED FOR THE PROGRAMS AND PURPOSES DESCRIBED IN THIS
10 SECTION THAT ALSO CONFORM WITH THE ALLOWABLE PURPOSES SET
11 FORTH IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L.
12 117-2, AS THE ACT MAY BE SUBSEQUENTLY AMENDED. THE DIVISION OF
13 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY MAY USE UP TO
14 FIVE PERCENT OF ANY MONEY APPROPRIATED BY THE GENERAL ASSEMBLY
15 PURSUANT TO THIS SUBSECTION (2) FOR DEVELOPMENT AND
16 ADMINISTRATIVE COSTS INCURRED PURSUANT TO THIS SUBSECTION (2).

17 **SECTION 3.** In Colorado Revised Statutes, 24-4.2-103, **add** (1.7)
18 as follows:

19 **24-4.2-103. Victims and witnesses assistance and law**
20 **enforcement fund - control of fund.** (1.7) (a) IN ADDITION TO THE
21 MONEY PAID INTO THE FUND PURSUANT TO SUBSECTIONS (1) AND (1.5) OF
22 THIS SECTION, THE FUND CONSISTS OF MONEY APPROPRIATED BY THE
23 GENERAL ASSEMBLY FROM THE ECONOMIC RECOVERY AND RELIEF CASH
24 FUND, CREATED IN SECTION 24-75-226, AS ENACTED BY SENATE BILL
25 21-____, ENACTED IN 2021, TO THE OFFICE OF THE COURT ADMINISTRATOR
26 FOR DISTRIBUTION TO THE DISTRICT ATTORNEY'S OFFICE OF EACH JUDICIAL
27 DISTRICT TO BE USED FOR VICTIMS AND WITNESS ASSISTANCE AND LAW

1 ENFORCEMENT PROGRAMS AND PURPOSES DESCRIBED IN SECTIONS
2 24-4.1-109 AND 24-4.1-117.

3 (b) MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (1.7)
4 FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND, CREATED IN
5 SECTION 24-75-226, AS ENACTED BY SENATE BILL 21-____, ENACTED IN
6 2021, MUST ONLY FUND PROGRAMS AND PURPOSES THAT ALSO CONFORM
7 WITH THE ALLOWABLE PURPOSES SET FORTH IN THE FEDERAL "AMERICAN
8 RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS THE ACT MAY BE
9 SUBSEQUENTLY AMENDED.

10 (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4) OF
11 THIS SECTION, THE DISTRICT ATTORNEY'S OFFICE OF EACH JUDICIAL
12 DISTRICT MAY USE UP TO TEN PERCENT OF ANY MONEY APPROPRIATED
13 PURSUANT TO THIS SUBSECTION (1.7) FOR DEVELOPMENT AND
14 ADMINISTRATIVE COSTS INCURRED BY THE DISTRICT ATTORNEY'S
15 OFFICE PURSUANT TO THIS SECTION IN THE PROVISION OF PROGRAMS AND
16 SERVICES ALLOWED PURSUANT TO THE FEDERAL "AMERICAN RESCUE
17 PLAN ACT OF 2021", PUB.L. 117-2, AS THE ACT MAY BE SUBSEQUENTLY
18 AMENDED.

19 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-30-2115
20 as follows:

21 **24-30-2115. Address confidentiality program fund - creation**
22 **- appropriations.** (1) There is hereby created in the state treasury the
23 address confidentiality program ~~grant~~ fund, referred to in this section as
24 the "fund". ~~which shall consist~~ THE FUND CONSISTS of any gifts, grants,
25 or donations, OR APPROPRIATIONS received by the department for the fund
26 pursuant to subsection (2) of this section. The ~~money~~ MONEY in the fund
27 shall be continuously appropriated by the general assembly to the

1 department for the purpose of paying for the costs incurred by the
2 executive director or ~~his or her~~ THE EXECUTIVE DIRECTOR's designee in
3 the administration of the program. All interest derived from the deposit
4 and investment of ~~moneys~~ MONEY in the fund shall be credited to the
5 fund. Any ~~moneys~~ MONEY not appropriated by the general assembly shall
6 remain in the fund and shall not be transferred or revert to the general
7 fund at the end of any fiscal year.

8 (2) (a) The department is authorized to seek, accept, and expend
9 gifts, grants, and donations from private or public sources for the
10 implementation of the program. All private and public funds received
11 through gifts, grants, and donations shall be transmitted to the state
12 treasurer, who shall credit the same to the fund.

13 (b) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE
14 ECONOMIC RECOVERY AND RELIEF CASH FUND, CREATED IN SECTION
15 24-75-226, AS ENACTED BY SENATE BILL 21-____, ENACTED IN 2021, TO
16 THE DEPARTMENT TO BE USED FOR THE PROGRAM, SO LONG AS THE
17 EXPENSES SUCH MONEY IS USED FOR ARE FOR PURPOSES OR PROGRAMS
18 THAT ALSO CONFORM WITH THE ALLOWABLE PURPOSES SET FORTH IN THE
19 FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS THE
20 ACT MAY BE SUBSEQUENTLY AMENDED. THE DEPARTMENT MAY USE UP TO
21 FIVE PERCENT OF ANY MONEY APPROPRIATED BY THE GENERAL ASSEMBLY
22 PURSUANT TO THIS SUBSECTION (2)(b) FOR DEVELOPMENT AND
23 ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT PURSUANT TO
24 THIS SUBSECTION (2)(b).

25 **SECTION 5.** In Colorado Revised Statutes, 26-7.5-105, **amend**
26 (3) as follows:

27 **26-7.5-105. Funding of domestic abuse programs.** (3) (a) The

1 Colorado domestic abuse program fund established pursuant to section
2 39-22-802 C.R.S., may be funded by any general fund ~~moneys~~ MONEY
3 that ~~may be~~ IS appropriated ~~thereto~~ by the general assembly pursuant to
4 the annual general appropriations act. The executive director ~~shall have~~
5 HAS the authority to expend such funds appropriated to the Colorado
6 domestic abuse program fund for the purposes described in this ~~article~~
7 ARTICLE 7.5.

8 (b) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM
9 THE ECONOMIC RECOVERY AND RELIEF CASH FUND, CREATED IN SECTION
10 24-75-226, AS ENACTED BY SENATE BILL 21-____, ENACTED IN 2021, TO
11 THE COLORADO DOMESTIC ABUSE PROGRAM FUND ESTABLISHED
12 PURSUANT TO SECTION 39-22-802. THE MONEY SHALL THEN BE
13 APPROPRIATED FROM THE COLORADO DOMESTIC ABUSE PROGRAM FUND
14 TO THE STATE DEPARTMENT TO BE USED FOR DOMESTIC ABUSE PROGRAMS
15 AND PURPOSES DESCRIBED IN THIS ARTICLE 7.5 THAT ALSO CONFORM WITH
16 THE ALLOWABLE PURPOSES SET FORTH IN THE FEDERAL "AMERICAN
17 RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS THE ACT MAY BE
18 SUBSEQUENTLY AMENDED, INCLUDING OFFSETTING GRANT REDUCTIONS
19 AND OTHER LOSSES EXPERIENCED AS A RESULT OF THE COVID-19 PUBLIC
20 HEALTH EMERGENCY, AND GENDER-BASED VIOLENCE ORGANIZATIONS,
21 INCLUDING STANDALONE ANTI-SEXUAL ASSAULT ORGANIZATIONS. THE
22 STATE DEPARTMENT MAY USE UP TO FIVE PERCENT OF ANY MONEY
23 APPROPRIATED BY THE GENERAL ASSEMBLY PURSUANT TO THIS
24 SUBSECTION (3)(b) FOR DEVELOPMENT AND ADMINISTRATIVE COSTS
25 INCURRED BY THE STATE DEPARTMENT PURSUANT TO THIS SUBSECTION
26 (3)(b).

27 **SECTION 6. Appropriation.** (1) For the 2021-22 state fiscal

1 year, \$3,000,000 is appropriated to the department of public safety for use
2 by the division of criminal justice. This appropriation is from the
3 economic recovery and relief cash fund created in section 24-75-226,
4 C.R.S., and of money the state receives from the federal coronavirus state
5 fiscal recovery fund. To implement this act, the division may use this
6 appropriation for the forensic nurse examiners telehealth program created
7 in section 18-3-407.9 (1), C.R.S.

8 (2) For the 2021-22 state fiscal year, \$6,500,000 is appropriated
9 to the victims and witnesses assistance and law enforcement fund created
10 in section 24-4.2-103 (1), C.R.S. This appropriation is from the economic
11 recovery and relief cash fund created in section 24-75-226, C.R.S., and
12 of money the state receives from the federal coronavirus state fiscal
13 recovery fund. The judicial department is responsible for the accounting
14 related to this appropriation.

15 (3) For the 2021-22 state fiscal year, \$500,000 is appropriated to
16 the address confidentiality program fund created in section 24-30-2115
17 (1), C.R.S. This appropriation is from the economic recovery and relief
18 cash fund created in section 24-75-226, C.R.S., and of money the state
19 receives from the federal coronavirus state fiscal recovery fund. The
20 department of personnel is responsible for the accounting related to this
21 appropriation.

22 (4) For the 2021-22 state fiscal year, \$5,000,000 is appropriated
23 to the department of human services for use by the office of self
24 sufficiency. This appropriation is from the economic recovery and relief
25 cash fund created in section 24-75-226, C.R.S., and of money the state
26 receives from the federal coronavirus state fiscal recovery fund. To
27 implement this act, the office may use this appropriation for the domestic

1 abuse program.

2 **SECTION 7. Effective date.** This act takes effect upon passage
3 only if House Bill 21-___ and Senate Bill 21-___ become law and takes
4 effect either upon the effective date of this act, House Bill 21-___, or
5 Senate Bill 21-___, whichever is later.

6 **SECTION 8. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety.