

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0418.02 Michael Dohr x4347

HOUSE BILL 16-1263

HOUSE SPONSORSHIP

Williams, Salazar, Becker K., Buckner, Danielson, Duran, Esgar, Garnett, Hullinghorst, Kagan, Lee, McCann, Melton, Moreno, Pettersen, Rosenthal, Vigil, Winter

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Ulibarri,

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A BILL FOR AN ACT

101 **CONCERNING UPDATES TO THE STATUTORY PROHIBITION ON**
102 **PROFILING BY PEACE OFFICERS.**

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://www.leg.state.co.us/billsummaries>.)

Under current law, there is a prohibition against profiling by a peace officer. The bill adds to the prohibition by updating the definition of profiling and describing additional prohibited activities related to profiling.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
March 17, 2016

HOUSE
Amended 2nd Reading
March 16, 2016

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

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

4 (a) The state of Colorado recognizes that law enforcement
5 agencies conduct their activities in an un-biased manner. Biased practices
6 are unfair, promote mistrust of law enforcement, and perpetuate negative
7 and harmful stereotypes. Biased practices are ineffective.

8 (b) The state of Colorado finds it necessary to update its profiling
9 laws that were passed into law in 2001 to reflect prohibiting profiling
10 based on race, ethnicity, gender, national origin, language, religion,
11 sexual orientation, gender identity, age, or disability.

12 **SECTION 2.** In Colorado Revised Statutes, 24-31-309, **amend**
13 (2) and (3) as follows:

14 **24-31-309. Profiling - officer identification - training.**

15 (2) **Definitions.** For purposes of this section, "profiling" means ~~the~~
16 ~~practice of detaining a suspect based on race, ethnicity, age, or gender~~
17 ~~without the existence of any individualized suspicion of the particular~~
18 ~~person being stopped~~ THE PRACTICE OF RELYING SOLELY ON RACE,
19 ETHNICITY, GENDER, NATIONAL ORIGIN, LANGUAGE, RELIGION, SEXUAL
20 ORIENTATION, GENDER IDENTITY, AGE, OR DISABILITY IN:

21 (a) DETERMINING THE EXISTENCE OF PROBABLE CAUSE TO PLACE
22 IN CUSTODY OR ARREST AN INDIVIDUAL OR IN CONSTITUTING A
23 REASONABLE AND ARTICULABLE SUSPICION THAT AN OFFENSE HAS BEEN
24 OR IS BEING COMMITTED SO AS TO JUSTIFY THE DETENTION OF AN
25 INDIVIDUAL OR THE INVESTIGATORY STOP OF A VEHICLE; OR

26 (b) DETERMINING THE SCOPE, SUBSTANCE, OR DURATION OF AN
27 INVESTIGATION OR LAW ENFORCEMENT ACTIVITY TO WHICH A PERSON

1 WILL BE SUBJECTED.

2 **(3) Profiling practices prohibited.** ~~Any peace officer certified~~
3 ~~pursuant to this part 3 shall not engage in Profiling~~ AS DEFINED IN
4 SUBSECTION (2) OF THIS SECTION IS PROHIBITED; EXCEPT THAT A PEACE
5 OFFICER MAY USE AGE WHEN MAKING LAW ENFORCEMENT DECISIONS IF
6 THE PEACE OFFICER IS INVESTIGATING A JUVENILE STATUS OFFENSE .

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