

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0418.02 Michael Dohr x4347

HOUSE BILL 16-1263

HOUSE SPONSORSHIP

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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.

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 ON RACE, ETHNICITY,
19 GENDER, NATIONAL ORIGIN, LANGUAGE, RELIGION, SEXUAL ORIENTATION,
20 GENDER IDENTITY, AGE, OR DISABILITY IN:

21 (a) SELECTING A PERSON TO BE SUBJECT TO ROUTINE OR
22 SPONTANEOUS INVESTIGATORY ACTIVITIES, INCLUDING INTERVIEWS,
23 DETENTIONS, TRAFFIC STOPS, PEDESTRIAN STOPS, FRISKS AND OTHER
24 TYPES OF BODILY SEARCHES, OR SEARCHES OF PERSONAL OR REAL
25 PROPERTY; 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.** (a) Any peace officer
3 ~~certified pursuant to this part 3~~ shall not engage in profiling.

4 (b) IN MAKING ROUTINE OR SPONTANEOUS LAW ENFORCEMENT
5 DECISIONS, SUCH AS ORDINARY TRAFFIC STOPS, PEACE OFFICERS SHALL
6 NOT USE RACE, ETHNICITY, GENDER, NATIONAL ORIGIN, LANGUAGE,
7 RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, AGE, OR DISABILITY;
8 EXCEPT THAT OFFICERS MAY RELY ON THE LISTED CHARACTERISTICS IN A
9 SPECIFIC SUSPECT DESCRIPTION.

10 (c) IN CONDUCTING ALL ACTIVITIES OTHER THAN ROUTINE OR
11 SPONTANEOUS LAW ENFORCEMENT ACTIVITIES, PEACE OFFICERS MAY
12 CONSIDER RACE, ETHNICITY, GENDER, NATIONAL ORIGIN, RELIGION,
13 SEXUAL ORIENTATION, GENDER IDENTITY, AGE, OR DISABILITY ONLY TO
14 THE EXTENT THAT THERE IS TRUSTWORTHY INFORMATION, RELEVANT TO
15 THE LOCALITY OR TIME FRAME, THAT LINKS A PERSON POSSESSING A
16 PARTICULAR LISTED CHARACTERISTIC TO AN IDENTIFIED CRIMINAL
17 INCIDENT, SCHEME, OR ORGANIZATION.

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