

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 15-0394.01 Michael Dohr x4347

HOUSE BILL 15-1288

HOUSE SPONSORSHIP

Williams, Becker K., Buckner, Fields, Kagan, Lebsock, McCann, Melton, Pettersen,
Salazar, Winter

SENATE SPONSORSHIP

Carroll, Guzman

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

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

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

4 **24-31-309. Profiling - officer identification - training.**

5 (2) **Definitions.** For purposes of this section, "profiling" means ~~the~~
6 ~~practice of detaining a suspect based on race, ethnicity, age, or gender~~
7 ~~without the existence of any individualized suspicion of the particular~~
8 ~~person being stopped~~ THE PRACTICE OF RELYING, TO ANY DEGREE, ON
9 RACE, ETHNICITY, COLOR, NATIONAL ORIGIN, NATIONALITY, LANGUAGE,
10 SEX, GENDER IDENTITY, SEXUAL ORIENTATION, SOCIOECONOMIC STATUS,
11 AGE, OR DISABILITY IN:

12 (I) SELECTING A PERSON TO BE SUBJECT TO ROUTINE OR
13 SPONTANEOUS INVESTIGATORY ACTIVITIES, INCLUDING INTERVIEWS,
14 DETENTIONS, TRAFFIC STOPS, PEDESTRIAN STOPS, FRISKS AND OTHER
15 TYPES OF BODILY SEARCHES, OR SEARCHES OF PERSONAL OR REAL
16 PROPERTY; OR

17 (II) DETERMINING THE SCOPE, SUBSTANCE, OR DURATION OF
18 INVESTIGATION OR LAW ENFORCEMENT ACTIVITY TO WHICH A PERSON
19 WILL BE SUBJECTED.

20 (3) **Profiling practices prohibited.** (a) ~~Any~~ A peace officer
21 ~~certified pursuant to this part 3~~ shall not engage in profiling.

22 (b) EXCEPT WHEN REASONABLE AND ARTICULABLE SUSPICION
23 EXISTS, A PEACE OFFICER SHALL NOT:

24 (I) KEEP A PERSON DETAINED BEYOND THE TIME NECESSARY TO
25 ISSUE A CITATION, ENFORCE A COURT ORDER, OR ADDRESS A VIOLATION OF
26 CRIMINAL LAW; OR

27 (II) ASK QUESTIONS OF A PERSON DETAINED BEYOND THE SCOPE

1 NECESSARY TO ISSUE A CITATION, ENFORCE A COURT ORDER, OR ADDRESS
2 A VIOLATION OF CRIMINAL LAW.

3
4 (c) NOTHING IN PARAGRAPH (a) OR (b) OF THIS SUBSECTION (3)
5 MAY BE INTERPRETED TO PROHIBIT A PEACE OFFICER OR A LAW
6 ENFORCEMENT AGENCY FROM RELYING ON PHYSICAL DESCRIPTIONS,
7 INCLUDING SEX, RACE, ETHNICITY, AND COLOR, TO SELECT A PERSON TO BE
8 SUBJECT TO INVESTIGATORY ACTIVITY OR DETERMINE THE SCOPE,
9 SUBSTANCE, OR DURATION OF INVESTIGATION WHEN:

10 (I) SEEKING TO APPREHEND A SPECIFIC SUSPECT; AND

11 (II) THERE EXISTS TRUSTWORTHY AND RELIABLE INFORMATION,
12 RELEVANT TO THE LOCALITY AND TIME FRAME, THAT LINKS THAT PERSON
13 TO AN IDENTIFIED CRIMINAL INCIDENT OR SCHEME.

14 (d) (I) IF EVIDENCE IS OBTAINED IN VIOLATION OF PARAGRAPH (a)
15 OR (b) OF THIS SUBSECTION (3), A COURT SHALL NOT ADMIT OR CONSIDER
16 THAT EVIDENCE IN A JUDICIAL PROCEEDING.

17 (II) IF A COURT SUPPRESSES EVIDENCE OR DISMISSES A CASE AS A
18 RESULT OF A VIOLATION OF THIS SUBSECTION (3) OR PROFILING
19 EXCLUSIVELY TO OBTAIN EVIDENCE TO MAKE AN ARREST WITHOUT
20 REASONABLE CAUSE OR ARTICULABLE SUSPICION, THE LAW ENFORCEMENT
21 AGENCY THAT EMPLOYS THE PEACE OFFICER WHO MADE THE ARREST OR
22 ISSUED THE CITATION SHALL HOST A PROFILING TRAINING SESSION
23 PROVIDED BY THE STATE, TO EDUCATE THE DEPARTMENT'S PEACE
24 OFFICERS ON COMMUNITY RELATIONSHIP BUILDING AND ALTERNATIVES TO
25 PROFILING.

26 (e) NO ONE SHALL INTERPRET ANYTHING IN THIS SECTION TO
27 EXPAND THE JURISDICTION OR AUTHORITY OF A PEACE OFFICER OR LAW

1 ENFORCEMENT AGENCY.

2 **SECTION 2. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.