

CHAPTER 340

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 16-1263

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AN ACT**CONCERNING UPDATES TO THE STATUTORY PROHIBITION ON PROFILING BY PEACE OFFICERS.**

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

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

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

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

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

24-31-309. Profiling - officer identification - training. (2) Definitions. For purposes of this section, "profiling" means ~~the practice of detaining a suspect based on race, ethnicity, age, or gender without the existence of any individualized suspicion of the particular person being stopped~~ THE PRACTICE OF RELYING SOLELY ON RACE, ETHNICITY, GENDER, NATIONAL ORIGIN, LANGUAGE, RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, AGE, OR DISABILITY IN:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

(b) DETERMINING THE SCOPE, SUBSTANCE, OR DURATION OF AN INVESTIGATION OR LAW ENFORCEMENT ACTIVITY TO WHICH A PERSON WILL BE SUBJECTED.

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

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

Approved: June 10, 2016