

Thank you Chair and Members of the Committee,

My name is Kiyana Newell, the Policy and Research Director at New Era Colorado, a national leader in mobilizing young people in the state. These past few years, we've worked extensively to protect young people's data and privacy online. This bill will set a precedent for how the legislature should be thinking about data privacy and how we should regulate harmful data collection. I ask for a yes vote on HB 1037.

Some may say that young people are chronically online and should step away from their phones. We are told to be careful what we post online and be responsible online. Regardless, just like everyone else, young people use apps, search engines, and online services every day. These actions generate sensitive information about our behavior, interests, location and health. If this data is purchased by government entities without a warrant or consent, this undermines basic data privacy rights that all people, especially young people, should be entitled to.

Young people should not lose their privacy accidentally or intentionally. Colorado can be a leader by requiring that any access to personal data go through a legal and transparent process, rather than data being bought like a commodity from the people sworn to protect us.

Some may argue that buying data from brokers or third-party entities helps investigations and allows suspects to be found quickly. I'd respond by saying efficiency should not override or bypass young people's constitutional rights, and obtaining a warrant simply ensures oversight, not obstruction.

Again, young people generate massive amounts of personal data, with a digital footprint longer and more detailed than that of any other generation. Buying data from brokers is not the same as accessing public records. To prevent surveillance, the government has a duty to uphold the 4th amendment, regardless of whether an industry monetizes from the collection of personal data. For instance, data shared on a social media platform is not the same as data being quietly sold to government agencies.

The 4th amendment does not age out, and trust in our government should be built on transparency and restraint. When the government can quietly buy deeply personal data about young Coloradans without a warrant, that trust erodes. Passing HB 1037 guarantees that government power is exercised lawfully and with respect for our generation. Again, I urge a yes vote. Thank you.

House Judiciary

02/25/2026 01:30 PM

HB26-1134 Fairness & Transparency in Municipal Court

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Bennett Rutledge For themselves	It is important that the three factions in a trial be separated, especially in the situations where there is no jury. I have had the opportunity to look in on municipal trials where I live, and the judge was the only official present. Fortunately that was back when he was a compassionate, fair minded man, who understood he served the public, rather than any political faction. Yet he was only a man. It is important that such rights as counsel for the defense, confronting witnesses, and having the government PROVE their crime remain in place. We need to back away from assembly line justice, from convenient, economical law enforcement, from punishments prescribed by cameras or databases, and ultimately come to grips with repealing any criminal statute which is not worth the expense of involving not one, but TWO juries, and the supervision of the public, before any punishment, fine or other enforcement. This is only a small step in that direction. Please vote FOR HB36-1134.

Written Testimony in Support of HB 26-1037

The Fourth Amendment Is Not for Sale Act

House Committee on Judiciary

February 25, 2026

Submitted by Justan Rice, Director of State Government Affairs, Libertas Institute

Mr. Chair and Distinguished Members of the Committee: My name is Justan Rice, and I serve as Director of State Government Affairs at the Libertas Institute, a nonpartisan policy organization dedicated to advancing personal freedom and protecting individual rights. I am here in strong support of HB 26-1037.

This bill addresses a straightforward problem: government agencies have found a way to buy their way around the Constitution. By purchasing personal data from commercial brokers—precise geolocation, browsing histories, financial records, health data, and biometric identifiers—they obtain surveillance capabilities that would otherwise require a warrant. HB 26-1037 closes that loophole in a way that is measured, constitutionally grounded, and respectful of legitimate law enforcement needs.

The Constitutional Foundation

The Fourth Amendment’s framers understood, from firsthand experience with British general warrants, that no government should rummage through the private lives of its citizens without judicial oversight. In *Carpenter v. United States* (2018), the Supreme Court recognized that as technology expands the government’s surveillance capacity, courts must ensure that the privacy Americans actually enjoy keeps pace with what the Fourth Amendment was designed to protect.

Colorado’s constitutional tradition goes further. In *People v. Seymour* (2023), the Colorado Supreme Court held that Article II, Section 7 affords privacy protections exceeding the Fourth Amendment, explicitly rejecting the third-party doctrine. Coloradans do not forfeit their expectation of privacy simply because their information passes through a commercial intermediary. HB 26-1037 is the natural legislative extension of that principle.

Regulating the Checkbook, Not the Handcuffs

Law enforcement often frames privacy protections through the lens of high-stress field decisions, and understandably so. But purchasing bulk data from a commercial broker is not a split-second call made under pressure. It is a deliberate, budgetary decision involving contracts, procurement processes, and taxpayer funds. This bill regulates the government’s checkbook, not the officer’s handcuffs.

Closing the “Good Faith” Gap

In *Seymour*, the court found that a search occurred but declined to suppress the evidence because officers acted in “good faith” within an unsettled legal landscape. HB 26-1037 provides exactly the clarity that was missing. By explicitly prohibiting the purchase of personal data without a warrant, this bill eliminates the gray area that good-faith exceptions are designed to protect. Once the legislature speaks this clearly, opening a checkbook is no longer a reasonable substitute for obtaining a warrant.

The enforcement mechanisms here—including the exclusionary rule—are essential. Without them, the Fourth Amendment becomes a parchment barrier: a right that looks good on paper but offers no protection in practice. A broad good-faith exception would tell the executive branch it may ignore the Constitution until a court specifically says otherwise. That turns a fundamental right into a suggestion.

What the Bill Does

HB 26-1037 prohibits law enforcement and government agencies from purchasing personal data from third-party commercial sources and prevents lateral data sharing designed to circumvent the prohibition. It preserves every legitimate investigative tool: valid judicial warrants, subpoenas, and court orders; express individual consent; action in genuine emergencies involving imminent threats to life; and access to lawfully public records and NCMEC data. The bill creates accountability through a private cause of action and an exclusionary rule rendering improperly obtained data inadmissible.

Conclusion

HB 26-1037 restores the constitutional balance between effective law enforcement and the fundamental right of Coloradans to be secure in their persons, papers, and effects. It does not prevent law enforcement from doing its job—it simply requires government agencies to follow the constitutional procedures that have governed criminal investigations since the founding of this republic.

The Libertas Institute strongly supports this bill, and I respectfully urge this Committee to advance HB 26-1037. Thank you for your time and consideration.

Chair Mabrey and Members of the Committee,

The Policing Project is a non-partisan center at New York University School of Law dedicated to promoting public safety through transparency, equity, and democratic engagement. We appreciate the opportunity to provide comment to the House Judiciary Committee about House Bill 26-1037, The Fourth Amendment is Not for Sale Act. This bill would prevent government agencies from evading the protections of the Fourth Amendment through buying sensitive personal data from private companies known as “data brokers.”

Currently, law enforcement can effectively track nearly anyone by obtaining information from data brokers that includes location history, web searches, social media activity, purchases, club affiliations, and more. For example, in January, investigative reporting found that law enforcement agencies could buy access to a social media and phone surveillance system designed to monitor an entire city neighborhood or block, track the movements of the phone users in that areas, and “follow them from their places of work to home or other locations.”¹

Just by using certain apps or programs, Coloradans may be divided into groups based on race, gender, marital status, income level, and more, without any safeguards for preventing that information from getting into the hands of bad actors. Data brokers even conveniently package people into categories such as:

“Rural and Barely Making It,” “Ethnic Second-City Strugglers,” “Retiring on Empty: Singles,” “Tough Start: Young Single Parents,” “Credit Crunched: City Families,” “viewership-gay,” “African American,” “Jewish,” “working class,” “unlikely voters,” and “seeking medical care.”²

Agencies have argued that they can bypass the warrant requirement by purchasing location and other personal data under the “third-party doctrine,” under which information disclosed to a third party does not carry a reasonable expectation of privacy.³ However, apps often do not disclose the true use of the information they collect, and sometimes even collect said data when people opt-out, meaning users never consented to sharing that information.⁴ Instead of respecting the reasonable expectation of privacy that individuals hold in such sensitive information, agencies are exploiting loopholes to operate mass surveillance without meaningful judicial oversight or safeguards for abuse.

¹ Joseph Cox, *Inside ICE's Tool to Monitor Phones in Entire Neighborhoods*, 404 Media (January 8, 2026), <https://www.404media.co/inside-ices-tool-to-monitor-phones-in-entire-neighborhoods/>.

² Justin Sherman, *Written Testimony, Data Brokerage, the Sale of Individuals' Data, and Risks to Americans' Privacy, Personal Safety, and National Security*, U.S. House Committee on Energy and Commerce (2023), <https://www.congress.gov/118/meeting/house/115788/witnesses/HMTG-118-IF02-Bio-ShermanJ-20230419.pdf>.

³ *United States v. Miller*, 425 U.S. 435, 443, (1976).

⁴ Joseph Cox, *Location Data Firm Got GPS Data from Apps Even When People Opted Out* (October 25, 2021), <https://www.vice.com/en/article/huq-location-data-opt-out-no-consent/?ref=404media.co>.

Even in the age of digital surveillance, there are limitations on the third-party doctrine that should protect Americans. The U.S. Supreme Court ruled in 2018 that police need a warrant to obtain cell-site location records, and that obtaining those records without a warrant was a violation of the constitutional right to a reasonable expectation of privacy.⁵ The Court expressed that “an individual maintains a legitimate expectation of privacy in the record of his physical movements,” and that the location data obtained through cell-site location records was a search — one that would not and could not have happened in the past.⁶ However, law enforcement agencies have continued to use data brokers for surveillance, arguing differences based on changing technology.⁷ By exploiting loopholes, agencies are undermining the intent of the courts and Constitution.

States have begun to take notice that *Carpenter* may have left a loophole. Last year, Montana passed bipartisan legislation to ban government entities from purchasing data without a warrant, similar to the bill before this Committee. Colorado now can now help bring Fourth Amendment protections into the digital age by placing reasonable restrictions on warrantless digital surveillance. The Fourth Amendment is Not for Sale Act provides for common-sense data privacy protections, and maintains certain exceptions for emergencies. Under these basic protections, agencies may still obtain personal data legitimately: when subject to a valid judicial warrant, subpoena, or court order. This would bring law enforcement practices into greater alignment with the purpose and spirit of the Fourth Amendment.

HB26-1037 would prevent governments from sidestepping Fourth Amendment warrant requirements through buying personal data from third parties. The bill would make meaningful strides to protect the constitutional guarantee of a reasonable expectation of privacy for all Coloradans.

Thank you again for the opportunity to comment on HB26-1037.

Respectfully submitted,

Anita Yandle

Counsel

Policing Project at NYU School of Law

⁵ *Carpenter v. United States*, 585 U.S. 296 (2018).

⁶ *Id.* at 310.

⁷ See, e.g., Draft Legal Document Discussing ICE’s Use of Geolocation Data, *ACLU v. Department of Homeland Security* (May 1, 2025), <https://www.aclu.org/cases/aclu-v-department-homeland-security-commercial-location-data-foia?document=Draft-Legal-Document-Discussing-ICEs-Use-of-Geolocation-Data>.



SHARA SMITH
Chief Executive Officer

**INTERFAITH
ALLIANCE**
OF COLORADO
ACHIEVING DEMOCRACY TOGETHER

February 25, 2026

RE: Support for HB26-1134 Fairness & Transparency in Municipal Court

Chairperson Mabrey and members of the House Judiciary Committee,

Thank you for the opportunity to discuss our strong support for HB26-1134. The Interfaith Alliance of Colorado promotes justice, religious liberty, and interfaith understanding through building relationships in order to educate, advocate, and catalyze social change. We have over 400 congregations in our statewide network, representing over two-dozen faith traditions. Interfaith champions policies that address needed reforms in our legal system. This support flows from our common belief that the values of justice and fairness should inform the administration of the law. And fairness is the key value underlying HB26-1134.

Currently in Colorado, individuals charged in municipal courts may go without the benefit of practices that are standard in state courts, undermining the fairness of our legal system. Those practices include the appointment of an attorney for indigent defendants who could be sentenced to confinement in municipal jails. Furthermore, municipal courts may lack the transparency built into the state court system; they may not be open to the public and may not be conducted "on the record," making reviewing the proceedings, and public accountability, more challenging. Those disparities have prompted concerns about fairness and equity for Coloradans charged in municipal courts.

Individuals at risk of jail time shouldn't be without the benefit of those rights-protecting practices; whether they receive them shouldn't be dependent on the court in which they're charged. HB26-1134 ameliorates this by bringing indigent defense practices in line with state courts, mandating more parity in public access to courts, and prohibiting municipal courts from sentencing individuals if they fail to make a record of the proceedings.

We respectfully ask that you support HB26-1134 and vote Yes to advance it from the committee with your favorable recommendation.

Thank you for your consideration,
Shara Smith, CEO
Interfaith Alliance of Colorado

Chair and Members of the House Judiciary Committee,

Thank you for your time today. My name is Steve Mathias. I am a Thornton resident who does advocacy and support work with justice-impacted individuals. Through that work, I've seen the need for trust in institutions and the integrity of our system of justice, and how our daily lives depend on the belief that rules are being followed lawfully and consistently. That is why I support HB 1037.

HB 1037 is a narrow, practical safeguard. It doesn't block proper investigations. It preserves warrants, subpoenas, court orders, with appropriate emergency exceptions. By regulating access to commercial data, it prevents government agencies from opening a judicial padlock by hiring a locksmith.

In 2020, ICE and CBP allegedly purchased consumer location data from Venntel and used it without a warrant. As recently as last month, 404 Media reviewed materials which showed that ICE purchased mobile phone location data and monitoring tools without a warrant. This is a pervasive, ongoing issue, one that affects not just our rights, but our daily personal lives.

If agencies can buy this data, people who feel vulnerable are taught to fear ordinary life. Every purchase, every phone plan, every theme park visit, every oil change, every bank account, and even their own doorbells could become another opportunity for government intrusion.

If the government wants sensitive personal data, it has lawful processes to be accountable for that request. A purchase order can replace equipment, but not the need for a judicial order. That principle matters to the communities I work with, and it matters to every Coloradan. I respectfully urge a yes vote today on HB 1037.

Thank you.

To: Members of the House Judiciary Committee

From: Khoa Nguyen | Rocky Mountain Policy & Advocacy Fellow, Young Invincibles - CO

Re: HB26-1037: Ban Government Purchase of Personal Data from Third Party



Mr. Chair, and members of the committee,

Thank you for the opportunity to share my testimony with you. My name is **Khoa Nguyen**. I currently represent Young Invincibles CO as their Rocky Mountain Policy & Advocacy Fellow. I am also nearing completion of my MD/MBA at the University of Colorado later this spring. And, I am a constituent of Senator Lisa Cutter. I am here today to encourage you to **pass HB26-1037**.

I grew up as part of the generation that experienced the rapid rise of emerging technologies. I went from burning CDs in order to make my own mix tape to witnessing the rise of the iPod to now the transformative impact of artificial intelligence. The technological revolution has been astounding and profound for our society. While the benefits have been apparent, the emergence of BigTech has led to a new commodity - data.

Data is precious to many corporations as we become increasingly reliant on digital access. As noted by ACLU Colorado, data brokers serve as third parties, including individuals and companies, that collect and sell personal data [1]. This data is collected from both public and private records, ranging from social media to court reports, search histories to even verbal conversations. In fact, I will put it on the record in the committee right now for you all to consider buying Broncos merchandise. Over the next week, pay attention to your browsing, and you may find yourselves receiving targeted advertisements for Broncos gear because your data was sold to specific advertising, marketing, and retail companies. That is how powerful data brokerage can be.

Consequently, it is increasingly concerning that governmental agencies intend to circumvent Fourth Amendment warrant requirements by buying personal data from data brokers. As noted by Adam Kovacevich in TechCrunch [1], "While the Constitution prevents the government from compelling companies to turn over your sensitive data without due process, there are no laws stopping them from just buying it."

In my personal life, I avidly look up cat memes because they remind me of my own cat. I definitely spend more online on building my Lego collections than I probably should. I look into wellness and fitness strategies to maintain my health. The government does not need to know about any of that. In my professional life, I conduct sensitive policy and advocacy work, some of which may not align with the government at times. I conduct extensive medical research that involves complex regulations. And I definitely work with sensitive patient health information. The government does not need to know about any of that.

There is this misconception that young adults do not care about data privacy. What an audacious statement and misinterpretation about my generation and those that come after me. In fact, studies have shown that young adults are increasingly proactive about data privacy, with 42% of 18-24 year olds exercising data access rights, which is significantly higher than older generations [2].

Protecting our constitutional freedoms and rights is a non-negotiable matter. I urge you to **vote yes on HB26-1037**. Thank you for your attention to this essential issue.

Sincerely,
Khoa Ngoc Nguyen
Rocky Mountain Policy & Advocacy Fellow | Young Invincibles - CO
MD Candidate | University of Colorado School of Medicine
MBA Candidate | University of Colorado Denver Business School

References

1. American Civil Liberties Union of Colorado. *The Fourth Amendment Is Not for Sale Act (HB26-1037)* [Internet]. Denver (CO): ACLU of Colorado; 2026 Jan 20 [cited 2026 Feb 24].
2. Auxier B, Rainie L. *How Americans view data privacy and security*. Pew Research Center; 2020 May 30 [cited 2026 Feb 24]. Available from: <https://pmc.ncbi.nlm.nih.gov/articles/PMC8835701/>



From the desk of: Khoa Ngoc Nguyen | Rocky Mountain Policy & Advocacy Fellow
For questions, please contact: khoa.nguyen@younginvincibles.org



February 24, 2026

Dear Representative Mabrey, Representative Velasco, Senator Amabile, and Senator Weissman,

I am writing to express our concerns with the logistics of HB26-1134. Although the stated ideologies look great on paper, in practice they will function much differently, and likely not how intended, while simultaneously spending taxpayer dollars.

The requirement that every court proceeding be livestreamed is an unfunded mandate. Many smaller or rural courts don't have the equipment and personnel required to meet this standard. Rifle operates with two clerks- one in the courtroom and one at the front desk. Monitoring online presence requires at least one dedicated employee to ensure not only that the equipment is operating properly, but that the stream is functioning in terms of audio and visual quality. Technical difficulties with such equipment is commonplace. Technological maintenance, upgrades, licensing, and cybersecurity requirements are enormous expenses which many smaller courts have not added to their 2026 budgets.

Hiring and maintaining personnel to operate and monitor the equipment is crucial. As last year's "porn attacks" on state court livestreams demonstrated, no digital system is immune from hackers and other intentional efforts at disruption.

Extending the requirement of a livestream to hearings with incarcerated defendants will serve as a disadvantage to the inmates. Rifle Municipal Court makes every effort to hold hearings with these individuals as soon as possible, usually within hours of their arrest. We are able to accomplish this by holding phone hearings from wherever we are at the time. On weekends, this generally means that the judge, prosecutor, court administrator, and attorney are in four different locations linked by a conference call. Requiring all parties to be somewhere with internet and meeting access will certainly cause significant delays, much to the detriment of the defendant. This seems to run contrary to the purpose of the bill and its very title.



RIFLE MUNICIPAL COURT
OFFICE: 970-665-6420 • FAX: 970-665-6422
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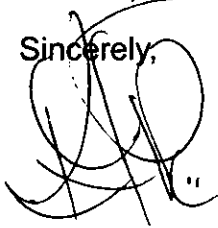
Continuing to require in-person appearances in court has the additional benefit of emphasizing the legitimacy of legal proceedings and the resulting consequences, particularly during a time when respect for courts and other government entities is on a precipitous downhill slide.

Further, the City of Rifle has extremely rigorous ADA protocols and a strict emphasis on customer service. We will always make accommodations for individuals who have legitimate reasons for being unable to attend in person.

Livestreaming will do nothing to further the administration of justice or foster fairness and equality. It simply caters to individuals who feel that they can't be inconvenienced to personally address their wrongdoings and can, instead, just "phone it in". Additionally, the proposed language of the bill appears to be all-encompassing with no exceptions for juveniles, victims, or sensitive crimes. If crime victims or other interested parties don't feel comfortable attending court but still want to participate, we will always find a way for them to appear remotely.

We are always happy to discuss our opinions. Between the Judge, City Prosecutor and Court Administrator, we have nearly 100 years combined experience in criminal law and are always happy to share how seemingly sound philosophies often result in very unanticipated results.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathy Pototsky', with a large, stylized flourish at the end.

Kathy Pototsky, JD

Rifle Municipal Court Administrator

City of Rifle Public Information Officer

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