

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

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BILL 1

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LLS NO. 16-0335.01 Michael Dohr x4347

INTERIM COMMITTEE BILL

**Profiling - Initiated Contacts by Law Enforcement (PICLE)
Interim Study Committee**

BILL TOPIC: "Electronic Citation Data Collection Pilot Project"

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO COLLECT DATA TO STUDY RACIAL**
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/billssummaries>.)

**Profiling - Initiated Contacts by Law Enforcement (PICLE)
Interim Study Committee.** The bill creates the electronic citation system and electronic data collection pilot project (pilot project). The division of criminal justice (DCJ) in consultation with the department of revenue and

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

Colorado civil rights division will administer the pilot project. The pilot project will include 6 law enforcement agencies selected by DCJ and the Colorado state patrol. DCJ will select an electronic citation system (system) that is capable of transmitting the citation and warning data to DCJ on a weekly basis. The system will be provided to all law enforcement agencies in the pilot project and shall be used by the agencies to issue all citations. The officers using the system shall input the perceived race or ethnicity of the person receiving the citation when using the system. The pilot project will begin by January 1, 2017.

DCJ shall quarterly transmit the data received from each agency back to the agency. Beginning January 31, 2018, DCJ shall prepare an annual report of the data received. The report must include the number of citations issued collected by race and ethnicity, location, and date. The pilot project sunsets on February 1, 2022.

The bill requires that an application for a driver's license or state identification card include the opportunity for the applicant to self-identify his or her race or ethnicity. The race or ethnicity information will not be printed on the driver's license or identification card but will be included in the information on the stored information magnetic strip on the card. A law enforcement officer will be able to access the information when he or she swipes the driver's license or identification card.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-520 as
3 follows:

4 **24-33.5-520. Electronic citation system and electronic data**
5 **collection pilot project - repeal.** (1) THERE IS HEREBY ESTABLISHED THE
6 ELECTRONIC CITATION SYSTEM ANDELECTRONIC DATA COLLECTION PILOT
7 PROJECT, REFERRED TO IN THIS SECTION AS THE "PILOT PROJECT". THE
8 DIVISION, WITH INPUT, COOPERATION, AND SUPPORT FROM THE
9 DEPARTMENT OF REVENUE AND THE COLORADO CIVIL RIGHTS DIVISION,
10 SHALL IMPLEMENT AND MONITOR THE PILOT PROJECT.

11 (2) THE PILOT PROJECT CONSISTS OF SIX LAW ENFORCEMENT
12 AGENCIES SELECTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (4) OF
13 THIS SECTION AND THE COLORADO STATE PATROL. OF THE SIX LAW

1 ENFORCEMENT AGENCIES SELECTED, TWO MUST SERVE A COMMUNITY
2 WITH FEWER THAN TWENTY THOUSAND RESIDENTS, TWO MUST SERVE A
3 COMMUNITY WITH BETWEEN TWENTY THOUSAND AND ONE HUNDRED
4 THOUSAND RESIDENTS, AND TWO MUST SERVE A COMMUNITY WITH MORE
5 THAN ONE HUNDRED THOUSAND RESIDENTS.

6 (3) (a) THE DIVISION SHALL SELECT AN ELECTRONIC TRAFFIC
7 CITATION SYSTEM FOR THE PILOT PROJECT. THE SYSTEM MUST ALLOW THE
8 OFFICER TO RETRIEVE THE STORED INFORMATION ON A DRIVER'S LICENSE
9 OR STATE-ISSUED IDENTIFICATION CARD, HAVE THE STORED INFORMATION
10 ON THE MAGNETIC STRIP POPULATE THE CITATION, AND MUST ALLOW THE
11 OFFICER TO ENTER THE PERCEIVED RACE OR ETHNICITY OF THE PERSON
12 RECEIVING THE CITATION. THE SYSTEM MUST AUTOMATICALLY RELAY THE
13 DATA FROM EACH CITATION TO THE DIVISION AT LEAST ON A WEEKLY
14 BASIS.

15 (b) EACH LAW ENFORCEMENT AGENCY SELECTED AND THE
16 COLORADO STATE PATROL SHALL RECEIVE THE ELECTRONIC TRAFFIC
17 CITATION SYSTEM AND TRAINING ON THE USE OF THE SYSTEM. THE LAW
18 ENFORCEMENT AGENCY SHALL APPLY FOR A NATIONAL HIGHWAY TRAFFIC
19 SAFETY ADMINISTRATION GRANT TO DEFRAY THE COSTS OF THE SYSTEM,
20 AND THE DIVISION OF CRIMINAL JUSTICE SHALL PROVIDE FUNDS TO COVER
21 ANY COSTS NOT COVERED BY A GRANT.

22 (c) THE LAW ENFORCEMENT AGENCIES SELECTED AND THE
23 COLORADO STATE PATROL SHALL REQUIRE EACH OF ITS OFFICERS TO USE
24 THE ELECTRONIC TRAFFIC CITATION SYSTEM TO ISSUE ALL TRAFFIC
25 CITATIONS AND COLLECT DATA ON SEARCHES AND WARNINGS ISSUED BY
26 A PEACE OFFICER. WHEN USING THE SYSTEM, THE OFFICER SHALL RECORD
27 THE PERCEIVED RACE OR ETHNICITY OF THE PERSON RECEIVING THE

1 CITATION OR WARNING UNLESS THE PERSON'S RACE OR ETHNICITY IS
2 RETRIEVED FROM HIS OR HER DRIVER'S LICENSE OR STATE-ISSUED
3 IDENTIFICATION CARD.

4 (4) (a) ON OR BEFORE SEPTEMBER 1, 2016, THE DIVISION, AFTER
5 CONSULTATION WITH THE DEPARTMENT OF REVENUE AND THE COLORADO
6 CIVIL RIGHTS DIVISION, SHALL DEVELOP AN APPLICATION FOR THE PILOT
7 PROGRAM.

8 (b) THE DIVISION SHALL ACCEPT APPLICATIONS FROM LAW
9 ENFORCEMENT AGENCIES THAT ARE NOT CURRENTLY USING ELECTRONIC
10 TRAFFIC CITATION TECHNOLOGY OR DO NOT HAVE ENOUGH UNITS OF THE
11 ELECTRONIC TRAFFIC CITATION TECHNOLOGY FOR EACH OFFICER WORKING
12 EACH SHIFT.

13 (c) ON OR BEFORE NOVEMBER 15, 2016, THE DIVISION, AFTER
14 CONSULTATION WITH THE DEPARTMENT OF REVENUE AND THE COLORADO
15 CIVIL RIGHTS DIVISION, SHALL SELECT THE SIX LAW ENFORCEMENT
16 AGENCIES TO PARTICIPATE IN THE PILOT PROJECT. THE DIVISION SHALL
17 BASE THE SELECTION ON:

18 (I) THE LAW ENFORCEMENT AGENCY'S WILLINGNESS TO USE AN
19 ELECTRONIC CITATION SYSTEM AND REPORT THE DATA TO THE DIVISION;

20 (II) THE LAW ENFORCEMENT AGENCY'S WILLINGNESS TO ADDRESS
21 ANY INSTANCES OF RACIAL PROFILING IDENTIFIED BY THE DATA
22 COLLECTION AND REPORTING; AND

23 (III) A REVIEW OF THE ARREST DATA FOR THE AGENCY.

24 (d) THE LAW ENFORCEMENT AGENCIES SELECTED TO PARTICIPATE
25 IN THE PILOT PROJECT SHALL START USING THE ELECTRONIC TRAFFIC
26 CITATION SYSTEM BY JANUARY 1, 2017.

27 (e) IF A LAW ENFORCEMENT AGENCY SELECTED TO PARTICIPATE IN

1 THE PILOT PROJECT DOES NOT COMPLY WITH THE USE OF THE ELECTRONIC
2 CITATION SYSTEM OR DATA REPORTING REQUIREMENTS, THE DIVISION
3 SHALL REPORT THE LAW ENFORCEMENT AGENCY TO THE PEACE OFFICERS
4 STANDARDS AND TRAINING BOARD. THE PEACE OFFICERS STANDARDS AND
5 TRAINING BOARD SHALL DIRECT THE LAW ENFORCEMENT AGENCY TO
6 COMPLY, AND, IF THE LAW ENFORCEMENT AGENCY DOES NOT COMPLY, THE
7 PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL REPORT THE
8 NONCOMPLIANCE TO THE GOVERNOR AND THE GENERAL ASSEMBLY.

9 (6) (a) THE DIVISION SHALL COMPILE THE DATA RECEIVED
10 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION AND
11 QUARTERLY REPORT THE INFORMATION RECEIVED FROM EACH LAW
12 ENFORCEMENT AGENCY SELECTED AND THE COLORADO STATE PATROL
13 BACK TO THE AGENCY AND TO THE MEMBERS OF PROFILING - INITIATED
14 CONTACTS BY LAW ENFORCEMENT (PICLE) INTERIM STUDY COMMITTEE.

15 (b) BY JANUARY 31, 2018, AND EACH YEAR THEREAFTER, THE
16 DIVISION SHALL PREPARE A REPORT FOR THE JUDICIARY COMMITTEES OF
17 THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
18 COMMITTEES, REGARDING THE DATA RECEIVED PURSUANT TO PARAGRAPH
19 (a) OF SUBSECTION (3) OF THIS SECTION. AT A MINIMUM THE REPORT MUST
20 SHOW THE NUMBER OF CITATIONS ISSUED, COLLECTED BY RACE AND
21 ETHNICITY, LOCATION OF THE CITATION, AND DATE OF THE CITATION. THE
22 DIVISION SHALL PROVIDE THE REPORT TO ANYONE UPON REQUEST.

23 (7) THIS SECTION IS REPEALED, EFFECTIVE FEBRUARY 1, 2022.

24 **SECTION 2.** In Colorado Revised Statutes, 42-2-107, **amend** (2)
25 (a) as follows:

26 **42-2-107. Application for license or instruction permit -**
27 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**

1 **tissue donation awareness fund - legislative declaration - rules -**
2 **repeal.** (2) (a) (I) Every application shall state the full name, date of
3 birth, sex, and residence address of the applicant; briefly describe the
4 applicant; be signed by the applicant with such applicant's usual
5 signature; have affixed thereon the applicant's fingerprint; and state
6 whether the licensee has ever been licensed as a minor driver or driver
7 and, if so, when and by what state or country and whether any such
8 license has ever been denied, suspended, or revoked, the reasons therefor,
9 and the date thereof. These statements shall be verified by the applicant's
10 signature thereon.

11 (II) IN ADDITION TO THE INFORMATION REQUIRED BY
12 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), EVERY APPLICATION SHALL
13 INCLUDE THE OPPORTUNITY FOR THE APPLICANT TO SELF-IDENTIFY HIS OR
14 HER RACE OR ETHNICITY. THE RACE OR ETHNICITY INFORMATION THAT
15 MAY BE IDENTIFIED ON THE APPLICATION SHALL NOT BE PRINTED ON THE
16 DRIVER'S LICENSE BUT SHALL BE MAINTAINED IN THE STORED
17 INFORMATION AS DEFINED BY SECTION 42-2-114 (1) (b). THAT
18 INFORMATION MUST BE ACCESSIBLE TO A LAW ENFORCEMENT OFFICER
19 THROUGH MAGNETIC OR ELECTRONIC READERS.

20 **SECTION 3.** In Colorado Revised Statutes, 42-2-114, **amend** (1)
21 (b) (I) as follows:

22 **42-2-114. License issued - fees - rules - repeal.** (1) (b) (I) In the
23 event the department issues a driver's license that contains stored
24 information, such license may include only the information that is
25 specifically referenced in paragraph (a) of this subsection (1) and that
26 appears in printed form on the face of the license issued by the
27 department to the licensee AND ANY RACE OR ETHNICITY INFORMATION

1 IDENTIFIED ON THE APPLICATION PURSUANT TO SECTION 42-2-107 (2) (a)
2 (II); except that such stored information shall not include the licensee's
3 social security number.

4 **SECTION 4.** In Colorado Revised Statutes, 42-2-302, **add** (1) (a)
5 (VI) as follows:

6 **42-2-302. Department may or shall issue - limitations - rules.**

7 (1) (a) (VI) EVERY APPLICATION SHALL INCLUDE THE OPPORTUNITY FOR
8 THE APPLICANT TO SELF-IDENTIFY HIS OR HER RACE OR ETHNICITY. THE
9 RACE OR ETHNICITY INFORMATION THAT MAY BE IDENTIFIED ON THE
10 APPLICATION SHALL NOT BE PRINTED ON THE IDENTIFICATION CARD BUT
11 SHALL BE MAINTAINED IN THE STORED INFORMATION AS DEFINED BY
12 SECTION 42-2-303 (1) (b) (II). THAT INFORMATION MUST BE ACCESSIBLE
13 TO A LAW ENFORCEMENT OFFICER THROUGH MAGNETIC OR ELECTRONIC
14 READERS.

15 **SECTION 5.** In Colorado Revised Statutes, 42-2-303, **amend** (1)
16 (b) (I) as follows:

17 **42-2-303. Contents of identification card.** (1) (b) (I) In the
18 event the department issues an identification card that contains stored
19 information, such card may include only the information that is
20 specifically referenced in paragraph (a) of this subsection (1), and that
21 appears in printed form on the face of the card issued by the department
22 to the registrant AND ANY RACE OR ETHNICITY INFORMATION IDENTIFIED
23 ON AN APPLICATION PURSUANT TO SECTION 42-2-302 (1) (a) (VI); except
24 that such stored information shall not include the registrant's social
25 security number.

26 <*Do you want a safety clause or petition clause?*>