

**HOUSE JOURNAL**  
**SIXTY-THIRD GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**First Regular Session**

Forty-third Legislative Day

Wednesday, February 21, 2001

1 Prayer by Pastor Brad Strait, South Fellowship, Littleton.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 The roll was called with the following result:

6

7 Present--62.

8

9 Excused--Representatives Chavez, Webster, Williams S.--3.

9

10 Present after roll call--Representatives Webster, Williams S.

10

11 The Speaker declared a quorum present.

12

13

14 On motion of Representative Daniel, the reading of the journal of  
15 February 20, 2001, was declared dispensed with and approved as  
16 corrected by the Chief Clerk.

17

18

19

**CONSIDERATION OF RESOLUTION**

20

21 **HR01-1009** by Representative(s) Sinclair--Concerning celebration of  
22 the Colorado Mounted Rangers' sixty years of service.

23

24 (Printed and placed in member's bill file; Report also printed in House  
25 Journal, February 15, pages 414-415.)

26

27 On motion of Representative Sinclair, the resolution was read at length  
28 and **adopted** by **viva voce** vote.

29

30 Co-sponsors added: Roll call of the House.

31

32

33

House in recess. House reconvened.

34

35

36

37

**THIRD READING OF BILL--FINAL PASSAGE**

38

39 The following bill was considered on Third Reading. The title was  
40 publicly read. Reading of the bill at length was dispensed with by  
41 unanimous consent.

42

43 **HB01-1150** by Representative(s) Sinclair, Dean; also Senator(s) Dyer,  
44 (Durango)--Concerning the enactment of the "Citizen  
45 Participation in Government Act of 2001".

1 The question being "Shall the bill pass?".  
 2 A roll call vote was taken. As shown by the following recorded vote, less  
 3 than a majority of those elected to the House voted in the affirmative and  
 4 the bill was declared **lost**.

	YES 32	NO 32	EXCUSED 1	ABSENT 0			
8 Alexander	N	Groff	Y	Miller	Y	Spence	N
9 Bacon	Y	Grossman	Y	Mitchell	N	Spradley	N
10 Berry	N	Hefley	Y	Nuñez	N	Stafford	N
11 Borodkin	Y	Hodge	Y	Paschall	N	Stengel	N
12 Boyd	Y	Hoppe	N	Plant	Y	Swenson	N
13 Cadman	N	Jahn	N	Ragsdale	Y	Tapia	N
14 Chavez	E	Jameson	N	Rhodes	N	Tochtrop	Y
15 Clapp	N	Johnson	N	Rippy	Y	Veiga	Y
16 Cloer	N	Kester	N	Romanoff	Y	Vigil	Y
17 Coleman	Y	King	N	Saliman	Y	Webster	N
18 Crane	N	Larson	N	Sanchez	Y	Weddig	N
19 Daniel	Y	Lawrence	Y	Schultheis	N	White	N
20 Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
21 Fairbank	N	Mace	Y	Sinclair	Y	Williams T.	N
22 Fritz	N	Madden	Y	Smith	N	Witwer	Y
23 Garcia	N	Marshall	Y	Snook	Y	Young	Y
						Mr. Speaker	Y

### IMMEDIATE RECONSIDERATION OF HB01-1150

30 Having voted on the prevailing side, Representative Paschall moved for  
 31 immediate reconsideration of **HB01-1150**. As shown by the following  
 32 recorded vote less than a two-thirds majority of those elected to the  
 33 House voted in the affirmative and the motion was declared **lost**:

	YES 32	NO 32	EXCUSED 1	ABSENT 0			
37 Alexander	N	Groff	Y	Miller	Y	Spence	N
38 Bacon	Y	Grossman	Y	Mitchell	N	Spradley	N
39 Berry	N	Hefley	Y	Nuñez	N	Stafford	N
40 Borodkin	Y	Hodge	Y	Paschall	N	Stengel	N
41 Boyd	Y	Hoppe	N	Plant	Y	Swenson	N
42 Cadman	N	Jahn	N	Ragsdale	Y	Tapia	N
43 Chavez	E	Jameson	N	Rhodes	N	Tochtrop	Y
44 Clapp	N	Johnson	N	Rippy	N	Veiga	Y
45 Cloer	N	Kester	N	Romanoff	Y	Vigil	Y
46 Coleman	Y	King	N	Saliman	Y	Webster	Y
47 Crane	N	Larson	N	Sanchez	Y	Weddig	Y
48 Daniel	Y	Lawrence	Y	Schultheis	N	White	N
49 Decker	Y	Lee	N	Scott	Y	Williams S.	Y
50 Fairbank	N	Mace	Y	Sinclair	Y	Williams T.	N
51 Fritz	N	Madden	Y	Smith	N	Witwer	Y
52 Garcia	Y	Marshall	Y	Snook	N	Young	Y
						Mr. Speaker	Y

1 On motion of Representative Mitchell, the House resolved itself into  
2 Committee of the Whole for consideration of Special Orders and he was  
3 called to the Chair to act as Chairman.

4  
5

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## 6 SPECIAL ORDERS--SECOND READING OF BILL

7  
8 The Committee of the Whole having risen, the Chairman reported the title  
9 of the following bill had been read (reading at length had been dispensed  
10 with by unanimous consent), the bill considered and action taken thereon  
11 as follows:

12

13 (Amendments to the committee amendment are to the printed committee  
14 report which was printed and placed in the members' bill file.)

15

16

17 **HB01-1114** by Representative(s) Groff; also Senator(s) Tate--  
18 Concerning profiling in connection with law enforcement  
19 traffic stops.

20

21 Amendment No. 1, by Representatives Lee and Paschall.

22

23 Strike the Civil Justice & Judiciary Committee Report, dated February 6,  
24 2001 (printed in House Journal, February 8, pages 330-332).

25

26 Amend printed bill, strike everything below the enacting clause and  
27 substitute the following:

28

29 "SECTION 1. Part 1 of article 4 of title 42, Colorado Revised  
30 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
31 read:

32

33 **42-4-115. Information on traffic law enforcement - collection**  
34 **- profiling - annual report - repeal.** (1) THE COLORADO STATE PATROL  
35 AND ANY LAW ENFORCEMENT AGENCY PERFORMING TRAFFIC STOPS THAT  
36 SERVES THE CITY AND COUNTY OF DENVER SHALL COLLECT AND MAINTAIN  
37 THE FOLLOWING INFORMATION REGARDING EACH TRAFFIC STOP:

38

39 (a) THE NUMBER OF PERSONS DETAINED FOR ROUTINE TRAFFIC  
40 INFRACTIONS AND WHETHER A CITATION OR WARNING WAS ISSUED AS A  
41 RESULT OF THE TRAFFIC STOP;

42

43 (b) IDENTIFYING CHARACTERISTICS OF THE PERSONS DETAINED  
44 DURING THE TRAFFIC STOP, INCLUDING RACE OR ETHNICITY, AGE, AND  
45 GENDER;

46

47 (c) THE APPROXIMATE DATE, TIME, AND LOCATION OF THE TRAFFIC  
48 STOP;

49

50 (d) THE ALLEGED VIOLATION LEADING TO THE TRAFFIC STOP;

51

52 (e) WHETHER A SEARCH OF THE PERSON OCCURRED AS A RESULT  
53 OF THE TRAFFIC STOP;

54

55 (f) WHETHER, AS A RESULT OF THE TRAFFIC STOP, THE PERSON'S  
56 VEHICLE OR PERSONAL EFFECTS OR THE VEHICLE'S DRIVER OR PASSENGERS

1 WERE SEARCHED AND THE RACE OR ETHNICITY, AGE, AND GENDER OF ANY  
2 PERSON SEARCHED;

3  
4 (g) WHETHER THE SEARCH WAS CONDUCTED PURSUANT TO  
5 CONSENT, PROBABLE CAUSE, OR REASONABLE SUSPICION TO SUSPECT A  
6 CRIME, INCLUDING THE BASIS FOR THE REQUEST FOR CONSENT OR THE  
7 CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE OR REASONABLE  
8 SUSPICION;

9  
10 (h) WHETHER ANY CONTRABAND WAS FOUND AS A RESULT OF THE  
11 TRAFFIC STOP;

12  
13 (i) WHETHER AN ARREST WAS MADE AS A RESULT OF THE TRAFFIC  
14 STOP;

15  
16 (j) WHETHER ANY PROPERTY WAS SEIZED AS A RESULT OF THE  
17 TRAFFIC STOP;

18  
19 (k) WHETHER THE OFFICERS DETAINING THE DRIVER OR ANY  
20 PASSENGERS DURING THE TRAFFIC STOP ENGAGED IN THE USE OF FORCE  
21 AGAINST THE DRIVER OR ANY PASSENGERS.

22  
23 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE  
24 THE COLLECTION AND MAINTENANCE OF INFORMATION IN CONNECTION  
25 WITH ROADBLOCKS, VEHICLE CHECKS, OR CHECKPOINTS, EXCEPT WHEN  
26 SUCH TRAFFIC STOPS RESULT IN A WARNING, SEARCH, SEIZURE, OR ARREST.

27  
28 (3) BEGINNING JANUARY 1, 2002, AND CONTINUING THROUGH  
29 JANUARY 1, 2004, THE COLORADO STATE PATROL AND ANY LAW  
30 ENFORCEMENT AGENCY PERFORMING TRAFFIC STOPS THAT SERVES THE  
31 CITY AND COUNTY OF DENVER SHALL ANNUALLY COMPILE THE  
32 INFORMATION GATHERED PURSUANT TO SUBSECTION (1) OF THIS SECTION  
33 AND SHALL MAKE SUCH INFORMATION AVAILABLE TO THE PUBLIC.

34  
35 (4) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2004.

36  
37 **SECTION 2.** Part 3 of article 31 of title 24, Colorado Revised  
38 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
39 read:

40  
41 **24-31-309. Profiling - officer identification - training.**

42 (1) (a) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES  
43 THAT PROFILING IS A PRACTICE THAT PRESENTS A GREAT DANGER TO THE  
44 FUNDAMENTAL PRINCIPLES OF OUR CONSTITUTIONAL REPUBLIC AND IS  
45 ABHORRENT AND CANNOT BE TOLERATED.

46  
47 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT  
48 MOTORISTS WHO HAVE BEEN STOPPED BY THE POLICE FOR NO REASON  
49 OTHER THAN THE COLOR OF THEIR SKIN OR THEIR APPARENT RACE,  
50 ETHNICITY, AGE, OR GENDER ARE THE VICTIMS OF DISCRIMINATORY  
51 PRACTICES.

52  
53 (c) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT  
54 THE WORKING MEN AND WOMEN IN COLORADO LAW ENFORCEMENT RISK  
55 THEIR LIVES EVERY DAY. THE PEOPLE OF COLORADO GREATLY  
56 APPRECIATE THE HARD WORK AND DEDICATION OF LAW ENFORCEMENT

1 OFFICERS IN PROTECTING PUBLIC SAFETY. THE GOOD NAME OF THESE  
2 OFFICERS SHOULD NOT BE TARNISHED BY THE ACTIONS OF THOSE FEW WHO  
3 COMMIT DISCRIMINATORY PRACTICES.

4  
5 (d) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY IN  
6 ADOPTING THIS SECTION TO PROVIDE A MEANS OF IDENTIFICATION OF LAW  
7 ENFORCEMENT OFFICERS WHO ARE ENGAGING IN PROFILING, TO  
8 UNDERSCORE THE ACCOUNTABILITY OF THOSE OFFICERS FOR THEIR  
9 ACTIONS, AND TO PROVIDE TRAINING TO THOSE OFFICERS ON HOW TO  
10 AVOID PROFILING.

11  
12 (2) FOR PURPOSES OF THIS SECTION, "PROFILING" MEANS THE  
13 PRACTICE OF DETAINING A SUSPECT BASED ON RACE, ETHNICITY, AGE, OR  
14 GENDER WITHOUT THE EXISTENCE OF ANY INDIVIDUALIZED SUSPICION OF  
15 THE PARTICULAR PERSON BEING STOPPED.

16  
17 (3) ANY PEACE OFFICER CERTIFIED PURSUANT TO THIS PART 3  
18 SHALL NOT ENGAGE IN PROFILING.

19  
20 (4) (a) A PEACE OFFICER CERTIFIED PURSUANT TO THIS PART 3  
21 SHALL PROVIDE, WITHOUT BEING ASKED, HIS OR HER BUSINESS CARD TO  
22 ANY PERSON WHOM THE OFFICER HAS DETAINED IN A TRAFFIC STOP, BUT  
23 HAS NOT CITED OR ARRESTED. THE BUSINESS CARD SHALL INCLUDE  
24 IDENTIFYING INFORMATION ABOUT THE PEACE OFFICER INCLUDING, BUT  
25 NOT LIMITED TO, THE PEACE OFFICER'S NAME, DIVISION, PRECINCT, AND  
26 BADGE OR OTHER IDENTIFICATION NUMBER AND A TELEPHONE NUMBER  
27 THAT MAY BE USED, IF NECESSARY, TO REPORT ANY COMMENTS, POSITIVE  
28 OR NEGATIVE, REGARDING THE TRAFFIC STOP.

29  
30 (b) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4)  
31 SHALL NOT APPLY TO AUTHORIZED UNDERCOVER OPERATIONS CONDUCTED  
32 BY ANY LAW ENFORCEMENT AGENCY.

33  
34 (c) EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL  
35 COMPILE ON AT LEAST AN ANNUAL BASIS ANY INFORMATION DERIVED  
36 FROM TELEPHONE CALLS RECEIVED DUE TO THE DISTRIBUTION OF BUSINESS  
37 CARDS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) AND THAT  
38 ALLEGE PROFILING. THE AGENCY SHALL MAKE SUCH INFORMATION  
39 AVAILABLE TO THE PUBLIC BUT SHALL NOT INCLUDE THE NAMES OF PEACE  
40 OFFICERS IN SUCH INFORMATION. THE AGENCY MAY ALSO INCLUDE IN  
41 SUCH INFORMATION THE COSTS TO THE AGENCY OF COMPLYING WITH THE  
42 PROVISIONS OF THIS SUBSECTION (4).

43  
44 (5) THE TRAINING PROVIDED BY THE P.O.S.T. BOARD FOR PEACE  
45 OFFICERS SHALL INCLUDE AN EXAMINATION OF THE PATTERNS, PRACTICES,  
46 AND PROTOCOLS THAT RESULT IN PROFILING AND PRESCRIBE PATTERNS,  
47 PRACTICES, AND PROTOCOLS THAT PREVENT PROFILING. ON OR BEFORE  
48 AUGUST 1, 2001, THE P.O.S.T. BOARD SHALL CREATE THE CURRICULUM  
49 FOR SUCH TRAINING.

50  
51 (6) NO LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF  
52 THIS SECTION, EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL  
53 HAVE WRITTEN POLICIES, PROCEDURES, AND TRAINING IN PLACE THAT ARE  
54 SPECIFICALLY DESIGNED TO ADDRESS PROFILING. THE WRITTEN POLICIES  
55 AND PROCEDURES SHALL BE MADE AVAILABLE TO THE PUBLIC FOR  
56 INSPECTION DURING REGULAR BUSINESS HOURS.

1           **SECTION 3. Safety clause.** The general assembly hereby finds,  
 2 determines, and declares that this act is necessary for the immediate  
 3 preservation of the public peace, health, and safety."  
 4  
 5 Amendment No. 2, by Representative Madden.  
 6  
 7 Amend the Amendment No. 1, by Representative Lee, printed in House  
 8 Journal February 21, page 493, line 2, strike "FEW".  
 9  
 10 As amended, ordered engrossed and placed on the Calendar for Third  
 11 Reading and Final Passage.

12  
 13  
 14  
 15           **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

16  
 17 Passed Second Reading: **HB01-1114 amended.**

18  
 19 The Chairman moved the adoption of the Committee of the Whole  
 20 Report. As shown by the following roll call vote, a majority of those  
 21 elected to the House voted in the affirmative, and the Report was  
 22 **adopted.**

23  
 24           **YES 64                      NO 0                      EXCUSED 1                      ABSENT 0**

25								
26	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
27	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
28	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
29	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
30	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
31	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
32	Chavez	E	Jameson	Y	Rhodes	Y	Tochtrop	Y
33	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
34	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
35	Coleman	Y	King	Y	Saliman	Y	Webster	Y
36	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
37	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
38	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
39	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
40	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
41	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
42							Mr. Speaker	Y

43  
 44  
 45  
 46

47           **REPORTS OF COMMITTEES OF REFERENCE**

48  
 49 **CRIMINAL JUSTICE**

50 After consideration on the merits, the Committee recommends the  
 51 following:

52  
 53 **HB01-1242** be amended as follows, and as so amended, be referred to  
 54 the Committee on Appropriations with favorable  
 55 recommendation:  
 56

1 Amend printed bill, page 5, strike lines 21 through 27 and substitute the  
2 following:

3  
4 "CONTAINING ANY QUANTITY OF GAMMA HYDROXYBUTYRATE [GHB],  
5 INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS."  
6

7 Page 6, strike lines 1 through 6.

8  
9 Renumber succeeding sections accordingly.

10  
11 Page 9, line 20, strike "(f)" and substitute "(g)".  
12

13  
14  
15 **PRINTING REPORT**

16  
17 The Chief Clerk reports the following bills have been correctly printed:  
18 **HB01-1349, 1350.**  
19

20  
21 **DELIVERY OF BILL TO GOVERNOR**

22  
23 The Chief Clerk of the House of Representatives reports the following  
24 bill has have been delivered to the Office of the Governor: **HB01-1129**  
25 at 3:22 p.m. on February, 20, 2001.  
26

27  
28  
29 **INTRODUCTION OF BILLS**  
30 **First Reading**

31  
32 The following bills were read by title and referred to the committees  
33 indicated:  
34

35 **SB01-051** by Senator(s) Tupa; also Representative(s) Grossman--  
36 Concerning presidential electors, and, in connection  
37 therewith, specifying the selection and voting  
38 requirements of presidential electors in the state.

39 Committee on State, Veterans, & Military Affairs  
40

41 **SB01-059** by Senator(s) Chlouber; also Representative(s) Witwer--  
42 Concerning traffic regulations relating to bicycles.

43 Committee on State, Veterans, & Military Affairs  
44

45  
46  
47 **LAY OVER OF CALENDAR ITEMS**

48  
49 On motion of Representative Spradley, the following items on the  
50 Calendar were laid over until February 22, retaining place on Calendar:  
51

52 Consideration of General Orders--**HB01-1189, 1161, 1113, SB01-047,**  
53 **HB01-1201, 1132, 1236, 1239, 1321, 1292, 1252, 1279, 1289, 1226,**  
54 **SB01-058, 084, HB01-1286, SB01-015, HB01-1249, 1174, 1297, 1274,**  
55 **1237, 1245, 1320, 1323, 1304, 1328.**  
56

1 On motion of Representative Spradley, the House adjourned until  
2 9:00 a.m., February 22, 2001.

3

4

Approved:

5

6

7

8

DOUG DEAN,  
Speaker

9

10 Attest:

11

12 JUDITH RODRIGUE,  
13 Chief Clerk

14