

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 11-0418.01 Esther van Mourik

**SENATE BILL 11-055**

---

**SENATE SPONSORSHIP**

**Lundberg**, Lambert, Kopp, Renfroe

**HOUSE SPONSORSHIP**

**Joshi**, Holbert, Nikkel, Scott

---

**Senate Committees**  
Judiciary

**House Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING NOTICES REQUIRED PRIOR TO THE USE OF SECURITY**  
102             **SCANNING SYSTEMS IN THE STATE.**

---

**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>.)*

The bill requires the following notice to be posted at the point of entry into any security area prior to the use of a security scanning system in any public facility in the state:

- !       The type of security scanning system being used;
- !       The manner of operation of the security scanning system

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 CONSTITUTION STATES: "THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR  
2 PERSONS, HOUSES, PAPERS AND EFFECTS AGAINST UNREASONABLE  
3 SEARCHES AND SEIZURES SHALL NOT BE VIOLATED . . ."; AND

4 (e) ANY SECURITY MEASURES USED AT A PUBLIC FACILITY SHOULD  
5 BE USED OR ADMINISTERED IN SUCH A WAY SO AS TO ALSO PROTECT A  
6 PERSON'S RIGHTS AGAINST UNREASONABLE SEARCHES UNDER THE FOURTH  
7 AMENDMENT TO THE UNITED STATES CONSTITUTION.

8 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE  
9 PROVISIONS OF THIS PART 19 ARE A MATTER OF STATEWIDE CONCERN AND  
10 SHALL APPLY TO ALL COUNTIES AND MUNICIPALITIES, INCLUDING HOME  
11 RULE COUNTIES AND MUNICIPALITIES, AND TO THE CITY AND COUNTY OF  
12 DENVER AND THE CITY AND COUNTY OF BROOMFIELD.

13 **24-33.5-1902. Definitions.** AS USED IN THIS PART 19, UNLESS THE  
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "ALTERNATIVE SECURITY MEASURE" IS A SECURITY MEASURE  
16 THAT IS NOT A SECURITY SCANNING SYSTEM, SUCH AS A PAT-DOWN  
17 SEARCH.

18 (2) "PAT-DOWN SEARCH" MEANS A PHYSICAL SEARCH OF A PERSON  
19 WHERE THE OUTER CLOTHING OF THE PERSON IS PATTED.

20 (3) "PUBLIC FACILITY" MEANS ANY FACILITY OPERATED BY THE  
21 STATE OR ANY COUNTIES OR MUNICIPALITIES, INCLUDING HOME RULE  
22 COUNTIES OR MUNICIPALITIES AND THE CITY AND COUNTY OF DENVER AND  
23 THE CITY AND COUNTY OF BROOMFIELD, FOR THE BENEFIT OF THE PUBLIC,  
24 INCLUDING, BUT NOT LIMITED TO, A GOVERNMENT BUILDING, A  
25 COURTHOUSE, AN AIRPORT, OR A SCHOOL, COLLEGE, UNIVERSITY, OR  
26 OTHER EDUCATIONAL INSTITUTION.

27 (4) "SECURITY SCANNING SYSTEM" MEANS ANY MACHINE OR

1 SYSTEM USED FOR SEARCHING A PERSON AS A MEANS TO MANAGE THE  
2 SECURITY OF A PUBLIC FACILITY. "SECURITY SCANNING SYSTEM"  
3 INCLUDES, BUT IS NOT LIMITED TO:

4 (a) WALK-THROUGH AND HAND-HELD MAGNETOMETERS OR METAL  
5 DETECTORS; OR

6 (b) WHOLE-BODY SCANNING MACHINES THAT UTILIZE  
7 BACKSCATTER X-RAY AND MILLIMETER WAVE TECHNOLOGIES GENERALLY  
8 REFERRED TO AS WHOLE-BODY IMAGING, FULL-BODY SCANNERS, OR  
9 AUTOMATED IMAGING TECHNOLOGY.

10 **24-33.5-1903. Notice requirements.** (1) PRIOR TO ANY USE OF  
11 A SECURITY SCANNING SYSTEM AT A PUBLIC FACILITY, NOTICE SHALL BE  
12 POSTED AT THE POINT OF ENTRY INTO ANY SECURITY AREA OF:

13 (a) THE TYPE OF SECURITY SCANNING SYSTEM BEING USED;

14 (b) THE MANNER OF OPERATION OF THE SECURITY SCANNING  
15 SYSTEM BEING USED;

16 (c) THE EXPOSURE LEVELS TO ANY RADIATION FROM THE SECURITY  
17 SCANNING SYSTEM BEING USED;

18 (d) THE IMAGE GENERATED BY THE SECURITY SCANNING SYSTEM  
19 BEING USED;

20 (e) ANY PRIVACY OR MODESTY POLICIES OR ISSUES RELATED TO  
21 THE SECURITY SCANNING SYSTEM BEING USED;

22 (f) ANY RIGHTS A PERSON HAS TO REFUSE BEING SCANNED BY THE  
23 SECURITY SCANNING SYSTEM BEING USED;

24 (g) THE TYPE OF ANY PAT-DOWN SEARCH USED AND ANY RELATED  
25 PAT-DOWN SEARCH POLICIES;

26 (h) ALL OPTIONS A PERSON HAS IF HE OR SHE REFUSES TO BE  
27 SCANNED BY THE SECURITY SCANNING SYSTEM BEING USED, SUCH AS THE

1 AVAILABILITY OF ALTERNATIVE SECURITY MEASURES; AND

2 (i) ANY CONSEQUENCES A PERSON COULD FACE FOR REFUSING TO  
3 BE SCANNED BY THE SECURITY SCANNING SYSTEM BEING USED OR FOR  
4 REFUSING ALTERNATIVE SECURITY MEASURES REQUIRED PRIOR TO  
5 ENTERING THE PUBLIC FACILITY.

6 (2) NOTICE SHALL BE POSTED IN SUCH A WAY THAT THE PERSON  
7 MAY MAKE HIS OR HER DECISIONS WITH RESPECT TO PROCEEDING  
8 THROUGH SECURITY WITHOUT DURESS, PRESSURE, OR INFLUENCE.

9 **SECTION 2. Act subject to petition - effective date.** This act  
10 shall take effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly (August  
12 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part shall not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2012 and shall take effect on the date of the official  
18 declaration of the vote thereon by the governor.