

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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 A BRIEF
13 DESCRIPTION OF:

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

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

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

19 (d) THE IMAGE GENERATED BY THE SECURITY SCANNING SYSTEM
20 BEING USED AND THE STORAGE PROTOCOLS FOR ANY IMAGE GENERATED;

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

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

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

27 (h) ALL OPTIONS A PERSON HAS IF HE OR SHE REFUSES TO BE

1 SCANNED BY THE SECURITY SCANNING SYSTEM BEING USED, SUCH AS THE
2 AVAILABILITY OF ALTERNATIVE SECURITY MEASURES; AND

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

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

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