



ACLU

AMERICAN CIVIL LIBERTIES UNION
of COLORADO



2015 Legislative Scorecard

A note from Public Policy Director Denise Maes



As we do after every legislative session, we prepared a legislative scorecard so you, our members, can see where each legislator stands on civil liberties issues.

But here was the problem this year: because best practices dictate that we score only those bills that were voted on by the entire legislature, the scorecard cannot possibly tell the whole story.

There were many bills that the ACLU championed that moved in one chamber but could not survive the political landmine of the split chamber legislature. For example, the ACLU championed a bill that would have made it easier for the transgender community to change the birth marker on their birth certificate. This approach would put Colorado in line with Federal State Department practices and would have been a significant victory for the transgender community. The bill passed the House with bi-partisan support, but it failed on a party line vote in the Senate State Affairs Committee. Significantly, those voting against the bill – Senators Scott, Sonnenberg and Hill – scored 60, 60 and 100, respectively on the ACLU scorecard.

Also, another bill the ACLU championed - the Homeless Bill of Rights, which would have prevented Colorado municipalities from enacting or enforcing laws that criminalize the existence of our state's growing homeless population, was killed in its first hearing before the House State Affairs Committee.

In addition to these defeats, we had victories as well. For example, our significant victory in defeating a DNA collection bill in the House Judiciary Committee on a bi-partisan vote. We also successfully defeated a fetal personhood bill in the House State Affairs Committee after it passed the full Senate.

Despite the challenge of the split legislature, we found many new allies from both sides of the aisle and began a unique bi-partisan movement supporting civil liberties. We saw coalitions of Republicans and Democrats jointly sponsoring legislation that supported privacy rights, criminal justice reforms, and government transparency.

Overall, we took positions on 81 bills. We saw a 61% rate of success overall, winning 52% of the bills we supported and defeating 71% of the bills we opposed. Although the bad news may be that we didn't succeed in creating a lot of new laws to move our state forward, the good news is we prevailed in defeating several bills that would have infringed on individual rights and civil liberties. The other good news is the growing bi-partisan movement favoring civil liberties of which we are an integral part. We will continue to foster this movement and build momentum for legislative initiatives that advance the civil liberties of all Coloradans.

About this scorecard

How we chose the scored bills

While there are many bills that we would have liked to include in our scorecard, best practices for legislative scorecards dictates that we score only those bills that were voted on by both House and Senate members.

After narrowing down the bills to those that made it to the floors of both Houses, we chose the bills that we felt were the best representations of the civil liberties issues facing Colorado today. All of the bills we monitor, as well as the position we have taken on each, are available on our website.

Purpose of the scorecard

The purpose of this scorecard is to inform our supporters and the general public of where their legislators stand on civil liberties issues. Legislators may promise many things before an election, but there is no substitute for an actual vote. The scorecard is in no way meant to be construed as an endorsement of legislators who score well or a statement of opposition against those who do not.

ACLU Percent

The ACLU Percent reflects the percentage of scored bills in which each legislator voted favorably with the ACLU's position. If a legislator did not vote on a particular bill (marked as "E" for "excused" on the scorecard) their percentage score does not include that bill.

Bills we scored

HB 1043 Felony Offense for Repeat DUI Offenders

Creates a new class 4 felony for those who are convicted of driving under the influence more than twice in 7 years or more than 3 times in a lifetime. Several other states have passed similar legislation, with no resulting decrease in alcohol-related deaths or accidents. Treatment, not incarceration, is needed to reduce alcoholism and driving under the influence. Signed into law by the governor.

HB 1229 Retaliation Against a Prosecutor

Creates a new class 4 felony, "retaliation against a prosecutor," to include threats made and actions taken against prosecutors, their family members, and their close friends. The legislation is written broadly, leaving what constitutes a "credible threat" far too open to interpretation. Existing laws are sufficient to protect those who may be threatened or assaulted. The bill was passed by both chambers and the governor is expected to sign it into law.

HB 1287 Police Officer Training Improvements

Adds 4 additional non-law enforcement members to the peace officer standards and training board and dictates new, stricter training standards. These

additional civilian P.O.S.T. board members will add needed outside perspective and advice on maintaining high standards within the police force and repairing community trust in law enforcement. Signed into law by the governor.

HB 1290 Stop Police Interference Cop Incident Recordings

Grants the right of recovery against law enforcement agencies when police officers unlawfully destroy, damage, or confiscate recordings of police-related incidents. This will protect First Amendment rights and contribute to police transparency and accountability. Signed into law by the governor.

SB 276 Voter Approval for Use of Red Light Cameras

Prohibits government agencies from issuing traffic citations based on automated vehicle identification systems (e.g., red light cameras, photo radar). Despite its name, does not involve voter approval; the bill is a simple ban. By eliminating automated traffic cameras, the law will reduce the number of surveillance cameras on our streets and help protect privacy. The bill was passed by both chambers but vetoed by the governor.

Colorado State Senate



ACLU of Colorado Position:

Felony Offense for
Repeat DUI Offenders



Retaliation Against a
Prosecutor



Police Officer Training
Improvements



Stop Police Interference
Cop Incident Recordings



Voter Approval for Use
of Red Light Cameras



| SENATOR | Vote on HB 1043 | Vote on HB 1229 | Vote on HB 1287 | Vote on HB 1290 | Vote on SB 276 | ACLU Percent |
|------------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------|-----------------|
| Aguilar, Irene (D) | | | | | | 80 |
| Balmer, David (R) | | | | | | 60 |
| Baumgardner, Randy (R) | | | | | | 60 |
| Cadman, Bill (R) | | | | | | 60 |
| Carroll, Morgan (D) | | | | | | 80 |
| Cooke, John (R) | | | | | | 60 |
| Crowder, Larry (R) | | | | | | 60 |
| Donovan, Kerry (D) | | | | | | 60 |
| Garcia, Leroy (D) | | | | | | 60 |
| Grantham, Kevin (R) | | | | | | 60 |
| Guzman, Lucia (D) | | | | | | 60 |
| Heath, Rollie (D) | | | | | | 40 |
| Hill, Owen (R) | | | | | | 100 |
| Hodge, Mary (D) | | | | | | 40 |
| Holbert, Chris (R) | | | | | | 80 |
| Jahn, Cheri (D) | | | | | | 80 |
| Johnston, Michael (D) | | | | | | 40 |

Colorado State Senate, continued...

| ACLU of Colorado Position: | ✗ | ✗ | ✓ | ✓ | ✓ | % |
|----------------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------|-----------------|
| SENATOR | Vote on HB 1043 | Vote on HB 1229 | Vote on HB 1287 | Vote on HB 1290 | Vote on SB 276 | ACLU Percent |
| Jones, Matt (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Kefalas, John (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Kerr, Andy (D) | ✓ | ✗ | ✓ | ✓ | ✗ | 60 |
| Lambert, Kent (R) | ✓ | ✓ | ✗ | ✓ | ✓ | 40 |
| Lundberg, Kevin (R) | ✓ | ✓ | ✗ | ✓ | ✓ | 40 |
| Marble, Vicki (R) | ✓ | ✗ | ✗ | ✓ | ✓ | 60 |
| Martinez Humenik, Beth (R) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Merrifield, Michael (D) | ✓ | ✗ | ✓ | ✓ | ✗ | 60 |
| Neville, Tim (R) | ✓ | ✗ | ✗ | ✓ | ✓ | 60 |
| Newell, Linda (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Roberts, Ellen (R) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Scheffel, Mark (R) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Scott, Ray (R) | ✓ | ✗ | ✗ | ✓ | ✓ | 60 |
| Sonnenberg, Jerry (R) | ✓ | ✗ | ✗ | ✓ | ✓ | 60 |
| Steadman, Pat (D) | ✓ | ✗ | ✓ | ✓ | ✗ | 60 |
| Todd, Nancy (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Ulibarri, Jessie (D) | ✓ | ✗ | ✓ | ✓ | ✗ | 60 |
| Woods, Laura (R) | ✓ | ✗ | ✗ | ✓ | ✓ | 60 |

Colorado State House of Representatives

ACLU of Colorado Position:

Felony Offense for
Repeat DUI Offenders


Retaliation Against a
Prosecutor


Police Officer Training
Improvements


Stop Police Interference
Cop Incident Recordings


Voter Approval for Use
of Red Light Cameras






| REPRESENTATIVE | Vote on HB 1043 | Vote on HB 1229 | Vote on HB 1287 | Vote on HB 1290 | Vote on SB 276 | ACLU Percent |
|-----------------------|---|---|---|---|---|-----------------|
| Arndt, Jeni James (D) |  |  |  |  |  | 40 |
| Becker, Jon (R) |  |  |  |  |  | 40 |
| Becker, KC (D) |  |  |  |  |  | 40 |
| Brown, J. Paul (R) |  |  |  |  |  | 40 |
| Buck, Perry (R) |  |  |  |  |  | 40 |
| Buckner, John (D) |  |  |  |  |  | 33.3 |
| Carver, Terri (R) |  |  |  |  |  | 40 |
| Conti, Kathleen (R) |  |  |  |  |  | 40 |
| Coram, Don (R) |  |  |  |  |  | 40 |
| Court, Lois (D) |  |  |  |  |  | 40 |
| Danielson, Jessie (D) |  |  |  |  |  | 60 |
| DelGrosso, Brian (R) |  |  |  |  |  | 50 |
| Dore, Timothy (R) |  |  |  |  |  | 25 |
| Duran, Crisanta (D) |  |  |  |  |  | 40 |
| Esgar, Daneya (D) |  |  |  |  |  | 40 |
| Everett, Justin (R) |  |  |  |  |  | 80 |
| Fields, Rhonda (D) |  |  |  |  |  | 40 |

Colorado State House of Representatives, continued...

| ACLU of Colorado Position: | | | | | | % |
|------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------|-----------------|
| REPRESENTATIVE | Vote on HB 1043 | Vote on HB 1229 | Vote on HB 1287 | Vote on HB 1290 | Vote on SB 276 | ACLU Percent |
| Foote, Mike (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Garnett, Alec (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Ginal, Joann (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Hamner, Millie (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Hullinghorst, Dickey Lee (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Humphrey, Stephen (R) | ✓ | ✓ | ✗ | ✓ | ✓ | 40 |
| Joshi, Janak (R) | ✓ | ✓ | Ⓔ | ✗ | ✓ | 25 |
| Kagan, Daniel (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Keyser, Jon (R) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Klingenschmitt, Gordon (R) | ✓ | ✓ | ✗ | ✓ | ✓ | 40 |
| Kraft-Tharp, Tracy (D) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Landgraf, Lois (R) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Lawrence, Polly (R) | ✓ | ✓ | ✓ | ✗ | ✓ | 40 |
| Lebsock, Steve (D) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Lee, Pete (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Lontine, Susan (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Lundeen, Paul (R) | ✓ | ✓ | ✓ | ✗ | ✓ | 40 |
| McCann, Elizabeth (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Melton, Jovan (D) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Mitsch Bush, Diane (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |

Colorado State House of Representatives, continued...

| ACLU of Colorado Position: | | | | | | % |
|----------------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------|-----------------|
| REPRESENTATIVE | Vote on HB 1043 | Vote on HB 1229 | Vote on HB 1287 | Vote on HB 1290 | Vote on SB 276 | ACLU Percent |
| Moreno, Dominick (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Navarro, Clarice (R) | ✓ | ✓ | ✗ | ✓ | ✓ | 40 |
| Neville, Patrick (R) | ✓ | ✓ | ✗ | ✓ | ✓ | 40 |
| Nordberg, Dan (R) | ✓ | ✓ | ✗ | ✗ | ✓ | 20 |
| Pabon, Dan (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Pettersen, Brittany (D) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Primavera, Dianne (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Priola, Kevin (R) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Rankin, Bob (R) | ✓ | ✓ | ✓ | ✗ | ✓ | 40 |
| Ransom, Kim (R) | ✓ | ✓ | ✗ | ✓ | ✓ | 40 |
| Rosenthal, Paul (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Roupe, Catherine (R) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Ryden, Su (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |
| Saine, Lori (R) | ✓ | ✓ | ✗ | ✓ | ✓ | 40 |
| Salazar, Joseph (D) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Sias, Lang (R) | ✓ | ✓ | ✓ | E | ✓ | 50 |
| Singer, Jonathan (D) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Tate, Jack (R) | ✓ | ✓ | ✓ | ✓ | ✓ | 60 |
| Thurlow, Dan (R) | ✓ | ✓ | ✓ | ✗ | ✓ | 40 |
| Tyler, Max (D) | ✓ | ✓ | ✓ | ✓ | ✗ | 40 |

Colorado State House of Representatives, continued...

ACLU of Colorado Position:



| REPRESENTATIVE | Vote on HB 1043 | Vote on HB 1229 | Vote on HB 1287 | Vote on HB 1290 | Vote on SB 276 | ACLU Percent |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------|-----------------|
| Van Winkle, Kevin (R) | | | | | | 60 |
| Vigil, Edward (D) | | | | | | 60 |
| Willett, Yuelin (R) | | | | | | 40 |
| Williams, Angela (D) | | | | | | 60 |
| Wilson, James (R) | | | | | | 40 |
| Windholz, JoAnn (R) | | | | | | 20 |
| Winter, Faith (D) | | | | | | 40 |
| Young, Dave (D) | | | | | | 40 |