SENATE BILL 24-189

BY SENATOR(S) Fields and Hansen, Bridges, Buckner, Cutter, Danielson, Exum, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Michaelson Jenet, Mullica, Priola, Rodriguez, Sullivan;
also REPRESENTATIVE(S) Weissman and Soper, Amabile, Bird, Boesenecker, Brown, Clifford, Daugherty, deGruy Kennedy, Duran, Froelich, Garcia, Herod, Jodeh, Kipp, Lieder, Lindstedt, Lukens, McCormick, McLachlan, Ortiz, Parenti, Sirota, Story, Titone, Valdez, Willford, Young, McCluskie.

CONCERNING GENDER-RELATED CHANGES TO CRIMES THAT INVOLVE BIAS.

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

SECTION 1. In Colorado Revised Statutes, 18-9-121, **amend** (1), (2) introductory portion, and (5)(b) as follows:

18-9-121. Bias-motivated crimes - legislative declaration. (1) The general assembly hereby finds and declares that it is the right of every person, regardless of race, color, ancestry, religion, national origin, physical or mental disability, or sexual orientation, OR TRANSGENDER IDENTITY to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of individuals and groups. The general assembly

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Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

further finds that the advocacy of unlawful acts against persons or groups because of a person's or group's race, color, ancestry, religion, national origin, physical or mental disability, ~~or~~ sexual orientation, OR TRANSGENDER IDENTITY for the purpose of inciting and provoking bodily injury or damage to property poses a threat to public order and safety and should be subject to criminal sanctions.

(2) A person commits a bias-motivated crime if, with the intent to intimidate or harass another person, in whole or in part, because of that person's actual or perceived race; color; religion; ancestry; national origin; physical or mental disability; ~~or~~ sexual orientation; ~~he or she~~ OR TRANSGENDER IDENTITY THE PERSON:

(5) For purposes of this section:

(b) "Sexual orientation" means ~~a person's actual or perceived orientation toward heterosexuality, homosexuality, bisexuality, or transgender status~~ A PERSON'S ORIENTATION TOWARD SEXUAL OR EMOTIONAL ATTRACTION AND THE BEHAVIOR OR SOCIAL AFFILIATION THAT MAY RESULT FROM THE ATTRACTION.

SECTION 2. In Colorado Revised Statutes, 18-9-111, **amend** (2)(a) as follows:

18-9-111. Harassment - Kiana Arellano's Law. (2) (a) A person who violates subsection (1)(a) or (1)(c) of this section or violates any provision of subsection (1) of this section with the intent to intimidate or harass another person, in whole or in part, because of that person's actual or perceived race; color; religion; ancestry; national origin; physical or mental disability, as defined in section 18-9-121; ~~(5)(a); or~~ sexual orientation, as defined in section 18-9-121; ~~(5)(b);~~ OR TRANSGENDER IDENTITY commits a class 1 misdemeanor.

SECTION 3. In Colorado Revised Statutes, 18-1-901, **add** (3)(r.5) as follows:

18-1-901. Definitions. (3) (r.5) "TRANSGENDER IDENTITY" MEANS IDENTITY BASED ON AN INDIVIDUAL'S GENDER IDENTITY OR EXPRESSION BEING DIFFERENT FROM THAT TYPICALLY ASSOCIATED WITH THEIR SEX AT BIRTH.

SECTION 4. **Effective date - applicability.** This act takes effect July 1, 2024, and applies to offenses committed on or after said date.

SECTION 5. **Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.
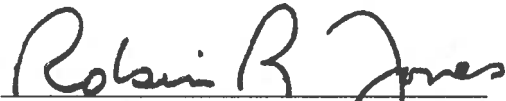
Steve Fenberg
PRESIDENT OF
THE SENATE

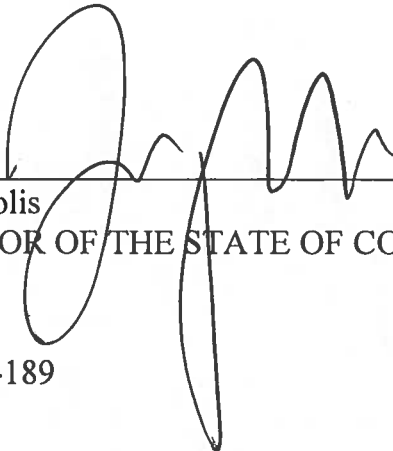Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _Friday may 31st 2024 at 12:15 PM_
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

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