

**Senate Business, Labor, & Technology**

**08/21/2025 Upon Adjournment**

**SB25B-004 Increase Transparency for Algorithmic Systems**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
Susan McDonald  For  themselves	<p>When will we follow the physiology of human, of nature. We are sentient beings, who were put on this planet not to stare at screens and be enslaved by our own stupor. No we are being called to create a technology that is symbolic with nature, where vitality is the way (not war, not lockdowns).</p> <p>Colorado needs a state bank (free from CBDCs, bc central banks will go "wrong"), protection of nature (limit development), and new actions around technology because in its current form IT will destroy us. Transparency, boundaries and modeling responsibility behavior is how you raise a child and this is how you raise AI. Get sober, wake up to the magnitude of your acquaintance. And create a revolution before Peter Thele, Sam Altman-types eat you for breakfast. Have you seen the movie Mountain Head with Steve Carell from The Office?! That sums up what you're up against, if you're not smart enough find someone that is quick.</p>
Marcella Schieffelin  For  themselves	<p>Testimony in Support of the AI Sunshine Act</p> <p>Thank you, Chair and members of the committee. My name is Marcella Schieffelin from Mesa County, and I urge you to support the AI Sunshine Act.</p> <p>This bill matters because people with disabilities are already being harmed by artificial intelligence and automated decision-making systems. Yet, they often don't even know when these tools are being used.</p> <p>In employment, AI hiring systems frequently screen out people with disabilities. They may not work with assistive devices, or they penalize people for things like facial differences, speech patterns, or gaps in employment—even when those gaps are due to medical needs.</p> <p>In health care, states are already using automated tools to decide who qualifies for Medicaid home and community-based services. Errors in these systems can wrongly cut people off from vital supports, and without transparency, individuals have no clear way to challenge those decisions.</p> <p>In housing and loans, AI can reject applicants based on factors such as medical debt, even if they are entirely able to make rent or mortgage payments. A human loan officer could ask clarifying questions, but AI systems don't allow for that conversation.</p>

	<p>The problem is that most algorithms are built on incomplete or biased data about disabled people. Without transparency, these systems silently perpetuate discrimination.</p> <p>The AI Sunshine Act is a necessary safeguard. It ensures people know when AI is used in life-altering decisions, that they get understandable explanations, and that they have the right to correct errors.</p> <p>This is about fairness, accountability, and protecting civil rights. I respectfully urge you to pass the AI Sunshine Act.</p> <p>Thank you.</p>
<p>Susan McDonald For themselves</p>	<p>When will we follow the physiology of human, of nature. We are sentient beings, who were put on this planet not to stare at screens and be enslaved by our own stupor. No we are being called to create a technology that is symbolic with nature, where vitality is the way (not war, not lockdowns).</p> <p>Colorado needs a state bank (free from CBDCs, bc central banks will go "wrong"), protection of nature (limit development), and new actions around technology because in its current form IT will destroy us. Transparency, boundaries and modeling responsibility behavior is how you raise a child and this is how you raise AI. Get sober, wake up to the magnitude of your acquaintance. And create a revolution before Peter Thele, Sam Altman-types eat you for breakfast. Have you seen the movie Mountain Head with Steve Carell from The Office?! That sums up what you're up against, if you're not smart enough find someone that is quick.</p>



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August 21, 2025

The Honorable Julie McCluskie  
Speaker of the House  
200 E Colfax  
RM 307  
Denver, CO 80203

The Honorable Monica Duran  
House Majority Leader  
200 E Colfax  
RM 307  
Denver, CO 80203

The Honorable James Coleman  
Senate President  
200 E Colfax  
RM 346  
Denver, CO 80203

The Honorable Robert Rodriguez  
Senate Majority Leader  
200 E Colfax  
RM 346  
Denver, CO 80203

Dear Speaker of the House McCluskie, House Majority Leader Duran, Senate President Coleman, and Senate Majority Leader Rodriguez:

On behalf of the Consumer Technology Association (CTA), we are writing to urge you to consider the damage to the states' innovation economy if the Colorado AI Act is not delayed.

CTA has significant concerns with the draft language of the Colorado AI Sunshine Act released on August 19, 2025. While we appreciate ongoing efforts to fix issues in the Colorado AI Act, the Sunshine Act, as written, is not a workable solution. We urge the legislature to pass legislation in this special session that delays implementation of the Colorado AI Act until at least 2027. Doing so will provide the time needed to craft a thoughtful approach that both protects consumers and strengthens Colorado's AI economy.

As North America's largest technology trade association, CTA represents more than 1200 American companies—including several with operations here in Colorado—that collectively support over 18 million U.S. jobs. Our members include pioneering startups and global enterprises, and we are the organizers of CES, the most influential tech event in the world.

CTA also publishes the [U.S. Innovation Scorecard](#), which ranks states on how well they champion policies that support tech growth across 11 categories. Failure to delay and fix the Colorado AI Act would almost certainly lower Colorado's ranking as a state friendly innovation, especially as new categories like AI are incorporated. At a time when Colorado is competing to lead in emerging technologies like AI and quantum computing, it is critical to create a predictable and reasonable regulatory environment.

We recognize and appreciate that the Colorado AI Sunshine Act draft removes problematic impact assessment requirements, avoids creating a new private right of action, and delegates enforcement to the Attorney General. However, other provisions raise serious compliance challenges.

- The “individual right to access and correct data used by an algorithmic decision system” would likely be infeasible for most companies to comply with, leaving small businesses with unsustainable costs and lingering legal uncertainty.
- The requirement to disclose the “20 personal characteristics” that most influenced a decision, is also likely not technologically feasible.

This letter is not intended to provide a complete assessment of every requirement proposed in the Colorado AI Sunshine Act draft, nor is it a full list of needed fixes to the Colorado AI Act. But the examples mentioned here serve as a clear illustration that more time is needed to find an appropriate path forward for fixing Colorado’s AI regulations. During this special legislative session, we encourage you to delay the implementation of the Colorado AI Act until 2027 and ensure that there is time to get the policy right. Rushing an incomplete or unworkable solution would not be in the best interest of consumers or Colorado businesses.

CTA urges the legislature to delay implementation of the Colorado AI Act until 2027. This will allow stakeholders and lawmakers the time to develop balanced policies that protect consumers while ensuring Colorado companies can innovate and compete.

We look forward to working with you to position Colorado as a leader in the AI economy. Thank you for your consideration.

Sincerely,



Gary Shapiro  
CEO and Vice Chair  
Consumer Technology Association



Kinsey Fabrizio  
President  
Consumer Technology Association

**TO:** Colorado State Senate, Committee on Business, Labor, & Technology  
**FROM:** Akina Younge, Director of Movement Collaborations at the Center on Resilience and Digital Justice  
**SUBJECT:** Testimony for Extraordinary Session Day 1  
**SUBMISSION DATE:** August 21, 2025

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Thank you to the Colorado State Senate Committee on Business, Labor, & Technology for the opportunity to testify on the first day, August 21, 2025, of the 2025 Extraordinary Session. We are honored to submit written testimony on the topic of artificial intelligence in consequential decision making and the AI Sunshine Bill.

My name is Akina Younge and I am the Director of Movement Collaborations at the Center on Resilience and Digital Justice (CRDJ). CRDJ is a research center that focuses on deep and lasting public impact that foregrounds accountability and repair from extant and emerging digital and AI harms. We engage with a variety of network touch points including policy makers, scholars, activists, tech workers, and storytellers to foster critical, sustainable, and scalable change. Our work focuses on who holds power, how to redistribute power, and the ways in which data and technology reflect power structures. We know that a democratic and emancipatory society must provide protection from dangerous digital technologies and overreaching power by the tech sector, particularly as companies and products are implicated in racial injustice and social inequality. We stay grounded, not abstract – it is the real experiences of people that motivate us, and real people for whom we work with to make change.

We are submitting written testimony because we know that states must act to regulate so-called Artificial Intelligence (AI). Technologies and programs marketed as AI have already entered into consequential decision making and have created real harm for people. Harm that is often disproportionately felt by historically marginalized and excluded communities. Without proper regulations, we risk continuing this harm. We risk reversing the progress towards a free, democratic, thriving community that we've made. The Colorado legislature has a chance to take action in enacting proper regulation with the AI Sunshine Bill. Failure to enact proper regulation will mean that the Colorado legislature is responsible for knowingly continuing harm against its constituents, especially its most vulnerable constituents.

### **Why regulate AI?**

AI's rise in popularity as a term should be seen for what it is – a successful marketing maneuver from corporate actors to consolidate their power. Unfortunately, we have been tricked into believing that AI is unique and different from the many pre-2022 existing automated and algorithmic decision making systems, statistical modeling, and data analytics. But in reality, corporate actors have merely marketed the term AI so that they can expand and contract the term when it serves them. When they are pitching for contracts or selling products, everything is AI. When legislatures want to regulate those same expansively sold as "AI" tools, they claim that very little is AI, usually saying only generative text and visual models should be considered AI. Legislation like the AI Sunshine Bill brings the conversation back to the realm of algorithmic decision systems (ADS). This allows legislators and those who enforce the legislation to have a robust definition of data and technologies that impact our lives, without allowing for carve outs from corporate interests who want to insert a fair weather definition of AI that suits them.

ADS, and therefore so-called "AI", has a deep impact on our lives. When data and technology is used to make major decisions for constituents, there is severe risk to reinforce systemic oppression and inequality. We know that data and algorithms are not neutral. The development, creation, and capture of data and subsequent decisions on how it is used and implemented in

decision systems is value-laden.<sup>1 2 3 4</sup> People make decisions at every moment about what data should be collected, how information should be labeled and categorized. Data also reflects the history of policies and practices that have come before it. It is no surprise then that multiple studies and investigative reporting have shown that bias and disparate harm occurs when data and ADS is used in many important areas of life. For example, studies show that bias and consequentially harmful impacts from this bias occurs in automobile insurance pricing algorithms against people of color and low-income people<sup>5 6 7 8</sup>, found in facial recognition when it is employed in policing tools like surveillance cameras, unmanned aerial vehicles, and certain smart equipment<sup>9 10 11 12</sup>; pretrial risk assessment<sup>13</sup>; predictive policing<sup>14 15</sup>; automated license plate

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<sup>1</sup> Noble, Safiya Umoja, "Algorithms of Oppression: How Search Engines Reinforce Racism," NYU Press (February 2018).

<sup>2</sup> Benjamin, Ruha, "Race After Technology: Abolitionist Tools for the New Jim Code," Polity (2019).

<sup>3</sup> Browne, Simone, "Dark Matters: On the Surveillance of Blackness," Duke University Press (October 2015).

<sup>4</sup> Costanza-Chock, Sasha, "Design Justice: Community-Led Practices to Build the Worlds We Need," The MIT Press (March 2020).

<sup>5</sup> Feltner, Tom Feltner and Douglas Heller, "[High Price of Mandatory Auto Insurance in Predominantly African American Communities.](#)" Consumer Federation of America (November 2015).

<sup>6</sup> Ong, Paul M. and Michael A. Stoll, "[Redlining or risk? A spatial analysis of auto insurance rates in Los Angeles.](#)" Journal of Policy Analysis and Management (September 7, 2007)

<sup>7</sup> Angwin, Julia, and Jeff Larson, Lauren Kirchner and Surya Mattu, "[Minority Neighborhoods Pay Higher Car Insurance Premiums Than White Areas With the Same Risk.](#)" ProPublica (April 5, 2017).

<sup>8</sup> "[Effects of Varying Education Level and Job Status on Online Auto Insurance Price Quotes.](#)" Consumer Reports (January, 2021).

<sup>9</sup> Buolamwini, Joy and Dr. Timnit Gebru, Dr. Helen Raynham, Deborah Raji, Ethan Zuckerman from the MIT Media Lab and Civic Media, from the paper "[Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification.](#)"

<sup>10</sup> Hill, Kashmir "[Another Arrest, and Jail Time, Due to a Bad Facial Recognition Match](#)", reported in the New York Times (December 29, 2020, Updated January 6, 2021).

<sup>11</sup> O'Neill, Natalie "[Faulty Facial Recognition Led to His Arrest—Now He's Suing](#)", reported in Vice (September 4, 2020).

<sup>12</sup> "[Michigan father sues Detroit Police Department for wrongful arrest based on faulty facial recognition technology](#)" press release from American Civil Liberties Union (April 13, 2021).

<sup>13</sup> Angwin, Julia and Jeff Larson, Surya Mattu, and Lauren Kirchner "[Machine Bias](#)", reported in ProPublica (May 23, 2016).

<sup>14</sup> Richardson, Rashida and Jason Schultz, Kate Crawford "[Dirty Data, Bad Predictions: How Civil Rights Violations Impact Police Data, Predictive Policing Systems, and Justice](#)", NYU Law Review (February 13, 2019).

<sup>15</sup> Heaven, Will Douglas, "[Predictive policing is still racist—whatever data it uses](#)", reported in MIT Technology Review (February 5, 2021).

readers<sup>16 17</sup>; body worn cameras<sup>18 19</sup>; and electronic shackling<sup>20 21</sup>; gunshot detection systems<sup>22 23 24</sup>; rent setting algorithms and home loans<sup>25 26 27</sup>; tax auditing<sup>28</sup>; employment and workplaces<sup>29 30 31</sup>; healthcare<sup>32 33</sup>; and more.

The bias is so deep, historical, and context specific that to give a technical solution like “de-biasing” the data or algorithm would only be a temporary, superficial solution.<sup>34 35</sup> Yes, we can make datasets that are aware of the historical racist policies that affect the underlying data.<sup>36</sup>

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<sup>16</sup> Goldman, Adam and Matt Apuzzo, ["NYPD Defends Tactics Over Mosque Spying: Records Reveal New Details On Muslim Surveillance"](#), reported in HuffPost via the Associated Press (February 24, 2012).

<sup>17</sup> Crawford, Kade, ["San Francisco Woman Pulled Out of Car at Gunpoint Because of License Plate Reader Error"](#), American Civil Liberties Union news and commentary (May 13, 2014).

<sup>18</sup> McKinney, Matt and Libor Jany ["Failure to turn on body cameras flouted Minneapolis police policy"](#), reported in Star Tribune (July 18, 2017).

<sup>19</sup> [Letter from United States Department of Justice Civil Rights Division to Albuquerque Police Department](#) (April 10, 2014).

<sup>20</sup> [Cages Without Bars](#) by the Shriver Center on Poverty Law, Media Justice, and Chicago Appleseed Center for Fair Courts (September 2022).

<sup>21</sup> Giustini, Tosca and Sarah Greisman, Peter L. Markowitz, Ariel Rosen, Zachary Ross, ["Immigration Cyber Prisons: Ending the Use of Electronic Ankle Shackles"](#), Yeshiva University Cardozo School of Law Online Publications (July 2021).

<sup>22</sup> ["OIG finds that ShotSpotter alerts rarely lead to evidence of a gun-related crime and that presence of the technology changes police behavior"](#), press release from the Chicago Office of Inspector General, full report linked in release (August 24, 2021).

<sup>23</sup> Gallagher, Shaun, ["New MPD Point & Aim reports show disparity where officers draw their guns"](#), reported in WTMJ-TV Milwaukee (November 17, 2021).

<sup>24</sup> ["Audit Report on the New York City Police Department's Oversight of Its Agreement with ShotSpotter Inc. for the Gunshot Detection and Location System"](#), press release from New York City Comptroller Office, full report linked in released (June 20, 2024).

<sup>25</sup> Johnson, Khari, ["Algorithms Allegedly Penalized Black Renters. The US Government Is Watching"](#), Wired (January 16, 2023).

<sup>26</sup> Vogell, Heather, ["We Found That Landlords Could Be Using Algorithms to Fix Rent Prices. Now Lawmakers Want to Make the Practice Illegal"](#), ProPublica (January 30, 2024).

<sup>27</sup> ["How Some Algorithm Lending Programs Discriminate Against Minorities"](#), NPR's Scott Simon speaks with Washington Post columnist Michelle Singletary (November 24, 2018).

<sup>28</sup> Dore, Kate, ["IRS weighing 'audit selection algorithm' changes for low-income taxpayer credit"](#), reported in CNBC (Feb 15, 2024).

<sup>29</sup> Vincent, James, ["Automated hiring software is mistakenly rejecting millions of viable job candidates"](#) reported in The Verge (Sep 6, 2021).

<sup>30</sup> Dastin, Jeffrey with editing by Jonathan Weber and Marla Dickerson, ["Amazon scrapped a secret AI recruitment tool that showed bias against women"](#), reported in Venture Beat from Reuters (October 10, 2018).

<sup>31</sup> Tung, Irene and Paul K. Sonn, Maya Pinto, Josh Boxerman, ["When 'Bossware' Manages Workers: A Policy Agenda to Stop Digital Surveillance and Automated-Decision-System Abuses"](#), National Employment Law Project (July 15, 2025).

<sup>32</sup> Ledford, Hiedi, ["Millions of black people affected by racial bias in health-care algorithms"](#), Nature (October 24, 2019).

<sup>33</sup> Miller, T. Christian, ProPublica; Patrick Rucker, The Capitol Forum; and David Armstrong, ["EviCore, the Company Helping U.S. Health Insurers Deny Coverage for Treatments"](#), reported in ProPublica (October 23, 2024).

<sup>34</sup> Julia Powles, ["The Seductive Diversion of 'Solving' Bias in Artificial Intelligence."](#) (December 7, 2018).

<sup>35</sup> Hanna, Alex and Emily Denton, Razvan Amironesei, Andrew Smart, Hilary Nicole, ["Lines of Sight."](#) Logic (December 20, 2020).

<sup>36</sup> For example, the work of the [Data Nutrition Label project](#) tries to evaluate data sets and give them a nutrition label that gives information about their context, use, and potential use. The nutrition labels for the datasets can also include alerts for potential harm when the dataset is used in certain contexts in certain communities.

Yes, we can make algorithms that are intentionally race aware in order to yield equitable results.<sup>37</sup>

<sup>38</sup> These are improvements, but insufficient alone.

### **How to regulate ADS (and therefore so-called "AI")?**

In order for ADS (and products marketed as AI within ADS) to avoid reinforcing structural inequality, it must start with intentional, purpose centered design.<sup>39 40</sup> The tool must be intentionally designed with a pro-social focus, designed for social good, racial justice, and redress. Without this intentionality, technical tools like ADS will reinforce a status quo, a status quo that is laden with intentional and unintentional bias, structural inequality, and historically perpetuated disparities. In addition to ensuring that the technical tool has an intentional, pro-social purpose centered design, the surrounding policies that govern data, algorithms, and automation must also be intentional in their pro-social design. We need wrap-around policies that put the data and algorithms into the context of how they impact everyday people, how they are part of a larger system.

Legislation like the AI Sunshine Bill has elements of this pro-social design. In particular, there are three elements that are hallmarks of thoughtful legislation on AI and ADS: the focus on disclosing the use of ADS, required review of the potential risks and negative impacts of the ADS, and the shared liability for developers and deployers.

By requiring the disclosure of the use of ADS in a consequential decision and giving individuals a right to access and correct their information, the AI Sunshine Bill Section 6-1-1703 and 6-1-1704 gives individuals more transparency, information, and agency in the decisions that are made about them. While we know that ADS are having a direct, negative impact on people based on stories from impacted individuals, a large part of the continued harm is that we do not even know the true scale of impact.<sup>41</sup> For example, we know about the many harmful cases where police used facial recognition tools in their work and ended up arresting and detaining the wrong person. But these cases were discovered by accident.<sup>42</sup> Imagine if we knew every time facial recognition was used by a police department – then we could truly understand the scale and scope of this tool, and constituents could better assess whether the value versus harm tradeoff is worth it. Of course we know there are limitations to self-reporting as a tool of transparency, and to transparency being

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<sup>37</sup> Kim, Pauline, "[Race-Aware Algorithms: Fairness, Nondiscrimination and Affirmative Action.](#)" SSRN; California Law Review, Forthcoming; Washington University in St. Louis Legal Studies Research Paper No. 22-01-02, (January 26, 2022).

<sup>38</sup> Davis, Jenny L. and Apryl Williams, Michael W. Yang, "[Algorithmic reparations.](#)" (October 4, 2021).

<sup>39</sup> Noble, Safiya Umoja, "Algorithms of Oppression: How Search Engines Reinforce Racism," NYU Press (February 2018).

<sup>40</sup> [Automating.nyc](#) (May 2017)

<sup>41</sup> As an example, there are many uses of facial recognition technology in consequential decision making situations where people do not know that facial recognition has been used. Research and reporting from Tate Ryan-Mosley at MIT Technology Review in her article "[The NYPD used a controversial facial recognition tool. Here's what you need to know](#)" (April 2021); Ryan Mac, Caroline Haskins, Brianna Sacks, and Logan McDonald from BuzzFeed in their article "[How A Facial Recognition Tool Found Its Way Into Hundreds Of US Police Departments, Schools, And Taxpayer-Funded Organizations](#)" (April 2021); and Mijente, Immigrant Defense Project, Just Futures Law, and ACLU NorCal in their Press Release "[Immigrant Advocates FOIA for Info on Clearview AI Contract with ICE for Facial Recognition Technology](#)" (October 20, 2020) all are examples of how government deployed AI without disclosing its use to the public.

<sup>42</sup> Reporting from the Washington Post in their article "[Arrested by AI: Police ignore standards after facial recognition matches](#)" and [the Post Reports audio coverage of that reporting](#) specifically show that in many of the cases where a false arrest was made based on facial recognition, the use of facial recognition was accidentally shared by the police. There was no and is no mechanism for people to know that facial recognition is being in this high stakes, consequential decision making situation.

the only goal in regulating AI and ADS.<sup>43 44</sup> But we welcome this as a starting point as a basic level of transparency.

By requiring assessments of the potential risks of the ADS before its use, the AI Sunshine Bill Section 6-1-1702 gives the deployer more information about the risks of deployment before deploying the ADS. So far the tech industry has worked with a framework of "deploy now and deal with negative impacts afterwards." This has led to irreparable harm, disproportionately harm caused to already vulnerable communities. When this philosophy is applied to ADS in the public sector, it becomes even more problematic – the very communities that come to the public sector with a social contract in mind, looking for help, support, safety in mind are then directly harmed by careless ADS deployment on them. This easily leads to the erosion of trust in government by the people who government services seek to support the most. We also want to recognize that audits and risk assessments alone are not enough.<sup>45 46</sup> However, we do believe that such assessments can be a bare minimum.

By requiring developers and deployers to be responsible for the impact of their ADS, the AI Sunshine Bill Section 6-1-1705 creates accountability if harm is caused. Too often are ADS deployed and the developer and deployers battle to avoid accountability. By holding both the deployer and developer accountable for harm caused by an ADS, we incentivize cooperation between developers and deployers to avoid and mitigate harm from the start of the design process all the way through the deployment of the ADS. Without this joint liability, we incentivize the two parties blaming each other or worse, incentivize negligent design or negligent deployment.

**The AI Sunshine Bill is a bare minimum.**

We applaud Colorado being one of the few states to attempt to regulate the tech industry, especially in the ways that it impacts our daily lives the most. There are also many elements we would have loved to see in the bill in addition to its basic provisions. But, we also see that this bill is already a compromise. Its basic provisions are necessary and incredibly feasible. The AI Sunshine Bill is an important starting point for regulating ADS and the many so-called AI models and technologies that fall within it.

The AI Sunshine Bill has many positive elements to begin achieving pro social regulation to AI and ADS. We believe the AI Sunshine Bill is a bare minimum starting point for regulations and we believe that the starting point is necessary. We are glad to see it being introduced in the Colorado Legislature. If you have additional questions or would like to follow up on anything related to the topic of AI and ADS, please contact me at [aki@raceanddigitaljustice.org](mailto:aki@raceanddigitaljustice.org).

Respectfully submitted,  
Akina Younge

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<sup>43</sup> Johnson, Khari, "[State claims there's zero high-risk AI in California government—despite ample evidence to the contrary](#)", reported in Cal Matters (May 28, 2025).

<sup>44</sup> Ananny, Mike and Kate Crawford, "[Seeing without knowing: Limitations of the transparency ideal and its application to algorithmic accountability](#)", (2016).

<sup>45</sup> Sloane, Mona, "[The Algorithmic Auditing Trap](#)", OneZero (March 17, 2021).

<sup>46</sup> "[Algorithmic Accountability: Moving Beyond Audits](#)", AI Now Institute (April 11, 2023).