



April 15, 2024

The Honorable Julie Gonzales
Chair
Senate Committee on Judiciary
Old Supreme Court, Colorado State Capitol
200 East Colfax Avenue
Denver, CO 80203-1784

Dear Chair Gonzales and members of the committee,

On behalf of Chamber of Progress, a tech industry association supporting public policies to build a more inclusive country in which all people benefit from technological leaps, **we urge you to oppose SB 24-205.**

Artificial Intelligence (AI) has tremendous potential for improving education, enabling creative expression, and creating new business opportunities. So it is critically important that public policy promotes the broad and equitable distribution of these innovations.

The sponsor of SB 24-205 is justly concerned with civil rights abuses, particularly discrimination in health, employment or housing. Historically marginalized communities have faced repeated discrimination in these areas and many more, and as such we applaud the sponsor for his attention to these critical matters of social justice.

However, pinpointing the source and catalyst of discriminatory outcomes of an AI system is not always possible, nor is consistently determining who or what is responsible for the act of discrimination.¹ The roots of bias may be in the data used to train a model—which could be laden with human-created biases—or the human who approves the outcome of an automated decision tool - or from any

¹ John Villasenor, Artificial Intelligence and Bias: Four Key Challenges, BROOKINGS (Jan. 3, 2019), <https://www.brookings.edu/articles/artificial-intelligence-and-bias-four-key-challenges/> (“An additional challenge is that biases can be created within AI systems and then become amplified as the algorithms evolve.”).

number of other sources. Regardless of origins, there must be avenues to address circumstances of discrimination that are consistent whether the abuse is online or offline.

Tech companies also oppose discrimination

Unfairly biased outcomes are problematic for developers, deployers, and end-users alike. Tech companies are increasingly investing in internal teams for proactive bias detection and mitigation in their products. Google, for example, has implemented their 'Responsible AI Practices'.² The initiative encompasses detailed guidelines for evaluating training metrics in machine learning models, including a thorough examination of the training data itself. Google's practices also emphasize a human-centric approach to AI development. Prioritizing safe and inclusive user experiences remains a top commitment for the tech industry.

In light of the substantial private-sector work to advance responsible AI development, we appreciate the author including a safe harbor provision.

Strengthening consumer and civil rights law to protect the public

SB 24-205 is designed to address potential discrimination from high-risk AI systems. To reiterate, we agree that discrimination is wrong, but focusing exclusively on AI systems ignores offline discrimination. A better approach is to strengthen existing civil rights law protections in the Colorado code to ensure that the most vulnerable members of society are protected online and offline.

SB 24-205 stifles competition by requiring online platforms to disclose AI data on their websites

Additionally, requiring online platforms to disclose data used to train their AI systems and services on their website stifles competition in the digital marketplace. A healthy competition marketplace is essential to ensure better quality of services for consumers and encourages platforms to innovate. The disclosure requirement risks revealing important business information and strategies.

SB 24-205 stifles innovation with extensive disclosure requirements

Innovation thrives in an environment where experimentation is encouraged. Although transparency is important in the digital marketplace, the extensive disclosure mandates in this bill may create a deterrent effect. Instead of

² Google, Responsible AI Practices, AI.GOOGLE, <https://ai.google/responsibility/responsible-ai-practices/>.

transparency, this bill will discourage smaller platforms from exploring new approaches. Specifically, SB 24-205 would force disclosure of essential business intelligence to competitors and customers. This would stifle innovation in the entire AI ecosystem - both at the model level and the application level - ultimately harming consumers.

For these reasons, **we urge you to oppose SB 24-205.**

Thank you,

A handwritten signature in black ink, appearing to read "K. Marshall", enclosed within a hand-drawn oval shape.

Kouri Marshall
Director of State and Local Public Policy, Central Region
Chamber of Progress