

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0780.02 Jacob Baus x2173

SENATE BILL 25-304

SENATE SPONSORSHIP

Weissman,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ADDRESS THE SEXUAL ASSAULT KIT**
102 **TESTING BACKLOG.**

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://leg.colorado.gov>.)

The bill creates a grant program to fund an independent sexual assault kit coordinator (coordinator) position. The coordinator is tasked with providing annual reports to the general assembly regarding specific criteria relating to the state's capacity to complete sexual assault kit tests. The Colorado bureau of investigation administers the grant program.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The bill creates a notification requirement under the "Victim Rights Act" that requires a law enforcement agency to notify a victim at least once every 90 days if the law enforcement agency has not received the results of the forensic medical evidence DNA analysis from an accredited crime laboratory.

The bill requires an accredited crime laboratory to endeavor to analyze forensic medical evidence within 60 days after its receipt.

The bill expands existing reporting requirements concerning forensic medical evidence in sexual assault cases so that each member of the general assembly receives a report twice each year and the report includes information concerning the average amount of time between receipt and completed analysis of sexual assault evidence collection kits.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-428.3
3 as follows:

4 **24-33.5-428.3. Independent sexual assault kit coordinator**
5 **grant program - application process - coordinator reporting**
6 **requirements - definitions - repeal.** (1) AS USED IN THIS SECTION,
7 UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 (a) "COORDINATOR" MEANS THE INDEPENDENT SEXUAL ASSAULT
9 KIT COORDINATOR FUNDED WITH A GRANT PURSUANT TO THIS SECTION.

10 (b) "FORENSIC MEDICAL EVIDENCE BACKLOG" MEANS THE CASES
11 WITH A GENETIC SAMPLE IN A STATE OR LOCAL CRIME LABORATORY'S
12 POSSESSION AS OF APRIL 1, 2025, THAT IS NOT TESTED WITHIN THIRTY
13 DAYS AFTER THE CRIME LABORATORY RECEIVES THE SAMPLE.

14 (c) "FORENSIC MEDICAL EVIDENCE CASELOAD" MEANS THE CASES
15 WITH A GENETIC SAMPLE THAT HAS BEEN IN A STATE OR LOCAL CRIME
16 LABORATORY'S POSSESSION FOR LESS THAN THIRTY DAYS AS OF APRIL 1,
17 2025.

18 (d) "GRANT PROGRAM" MEANS THE INDEPENDENT SEXUAL
19 ASSAULT KIT COORDINATOR GRANT PROGRAM CREATED IN SUBSECTION (2)

1 OF THIS SECTION.

2 (e) "LOCAL CRIME LABORATORY" MEANS A PUBLICLY FUNDED
3 CRIME LABORATORY OR FORENSIC LABORATORY IN COLORADO, INCLUDING
4 A LABORATORY SET UP BY A SINGLE MUNICIPALITY OR A REGIONAL
5 LABORATORY THAT HOLDS AN ISO/IEC 17025 FORENSIC LABORATORY
6 ACCREDITATION OR THAT PERFORMS WORK EQUIVALENT TO THAT OF AN
7 ACCREDITED FORENSIC SERVICES PROVIDER WITHOUT BEING ACCREDITED.

8 (2) THE INDEPENDENT SEXUAL ASSAULT KIT COORDINATOR GRANT
9 PROGRAM IS CREATED IN THE BUREAU. THE PURPOSE OF THE GRANT
10 PROGRAM IS TO PROVIDE A GRANT TO AN ORGANIZATION ENGAGED IN
11 PUBLIC POLICY WORK FOCUSED ON, OR RELATED TO, SEXUAL ASSAULT
12 POLICY AND SEXUAL ASSAULT KIT TESTING TO FUND AN INDEPENDENT
13 SEXUAL ASSAULT KIT COORDINATOR POSITION TO OVERSEE THE PROGRESS
14 OF SEXUAL ASSAULT KIT TESTING IN THE STATE OF COLORADO.

15 (3) THE BUREAU SHALL ADMINISTER THE GRANT PROGRAM AND
16 SHALL AWARD A GRANT AS PROVIDED IN THIS SECTION.

17 (4) TO RECEIVE A GRANT, AN ORGANIZATION MUST SUBMIT AN
18 APPLICATION BY SUBMITTING A LETTER OF REQUEST TO THE BUREAU
19 APPLYING FOR GRANT FUNDING BY JUNE 30, 2025. AT A MINIMUM, THE
20 LETTER OF REQUEST MUST INCLUDE THE FOLLOWING:

21 (a) A SHOWING THAT THE ORGANIZATION IS A PUBLIC INTEREST
22 ORGANIZATION ENGAGED IN PUBLIC POLICY WORK FOCUSED ON, OR
23 RELATED TO, SEXUAL ASSAULT POLICY AND SEXUAL ASSAULT KIT TESTING;
24 AND

25 (b) A SHOWING THAT THE ORGANIZATION HAS BEEN INVOLVED IN
26 THE AREA OF WORK FOR AT LEAST THE LAST TEN YEARS PRIOR TO
27 SUBMITTING AN APPLICATION.

1 (5) (a) THE BUREAU SHALL REVIEW THE APPLICATIONS RECEIVED
2 PURSUANT TO SUBSECTION (4) OF THIS SECTION AND SHALL AWARD THE
3 GRANT NO LATER THAN JULY 1, 2025, AND EACH JULY 1 THEREAFTER.

4 (b) (I) SUBJECT TO AVAILABLE APPROPRIATIONS, THE BUREAU
5 SHALL AWARD THE GRANT EACH JULY 1 TO THE SAME QUALIFYING
6 ORGANIZATION UNLESS THE ORGANIZATION IS NO LONGER QUALIFIED OR
7 CHOOSES TO WITHDRAW FROM THE GRANT PROGRAM OR THE BUREAU
8 DETERMINES THE QUALIFYING ORGANIZATION IS NOT FULFILLING THE
9 TERMS OF THE GRANT PURSUANT TO THIS SECTION. A GRANTEE
10 ORGANIZATION THAT WISHES TO WITHDRAW FROM THE GRANT PROGRAM
11 SHALL WRITE TO THE BUREAU REQUESTING WITHDRAWAL BY APRIL 1
12 BEFORE THE START OF A NEW GRANT CYCLE.

13 (II) IF AN ORGANIZATION WITHDRAWS FROM THE GRANT PROGRAM,
14 IT MUST SUGGEST ANOTHER QUALIFYING ORGANIZATION AS ITS
15 REPLACEMENT.

16 (III) THE BUREAU SHALL AWARD THE GRANT TO THE SUGGESTED
17 REPLACEMENT ORGANIZATION UNLESS IT DETERMINES THE ORGANIZATION
18 IS UNQUALIFIED OR THE BUREAU FINDS JUST CAUSE NOT TO AWARD THE
19 GRANT TO THE ORGANIZATION.

20 (IV) IF THE BUREAU DETERMINES A REPLACEMENT ORGANIZATION
21 IS UNQUALIFIED OR FINDS JUST CAUSE NOT TO AWARD THE GRANT TO THE
22 REPLACEMENT ORGANIZATION OR DETERMINES THE QUALIFYING
23 ORGANIZATION IS NOT FULFILLING ITS TERMS OF THE GRANT PURSUANT TO
24 THIS SECTION, THEN THE BUREAU SHALL REOPEN THE GRANT APPLICATION
25 PROCESS NO LATER THAN MAY 1 OF THAT YEAR AND AWARD THE GRANT
26 BY JULY 1.

27 (c) THE BUREAU SHALL DISTRIBUTE THE GRANT MONEY WITHIN

1 TEN DAYS AFTER AWARDING THE GRANT.

2 (d) THE AMOUNT OF EACH GRANT IS ONE HUNDRED FIFTY
3 THOUSAND DOLLARS.

4 (6) THE ORGANIZATION THAT RECEIVES A GRANT SHALL USE THE
5 GRANT AWARD TO FUND THE INDEPENDENT SEXUAL ASSAULT KIT
6 COORDINATOR POSITION DESCRIBED IN THIS SECTION FOR TWELVE
7 MONTHS.

8 (7) ON OR BEFORE OCTOBER 1, 2025, AND ON OR BEFORE
9 FEBRUARY 1, 2026, AND ON OR BEFORE EACH OCTOBER 1 AND FEBRUARY
10 1 THEREAFTER, THE COORDINATOR SHALL SUBMIT A REPORT TO THE JOINT
11 BUDGET COMMITTEE AND HOUSE AND SENATE JUDICIARY COMMITTEES, OR
12 THEIR SUCCESSOR COMMITTEES. AT A MINIMUM, THE REPORT MUST
13 INCLUDE:

14 (a) (I) THE NUMBER OF SEXUAL ASSAULT KIT TESTS COMPLETED BY
15 EACH PUBLICLY FUNDED CRIME LABORATORY OR FORENSIC LABORATORY
16 IN COLORADO, INCLUDING THE NUMBER OF TESTS COMPLETED BY EACH
17 PRIVATELY CONTRACTED LABORATORY IF THE PRIVATELY CONTRACTED
18 LABORATORY COMPLETES A SEXUAL ASSAULT KIT TEST ON BEHALF OF A
19 PUBLICLY FUNDED COLORADO CRIME LABORATORY OR FORENSIC
20 LABORATORY;

21 (II) THE NUMBER OF DNA EVIDENCE SAMPLES COLLECTED FROM
22 A CRIME SCENE AND SUBMITTED INDEPENDENTLY FROM A CASE WITH AN
23 ATTACHED AND SEPARATELY SUBMITTED SEXUAL ASSAULT KIT. FOR
24 PURPOSES OF THIS SECTION, OTHER DNA EVIDENCE SAMPLES COLLECTED
25 FROM A CRIME SCENE AND SUBMITTED FOR A CASE WITH A VICTIM'S
26 SEXUAL ASSAULT KIT ARE CONSIDERED A PART OF A SEXUAL ASSAULT KIT
27 CASE IN ALL REPORTING REQUIREMENTS.

1 (III) THE NUMBER OF DNA EVIDENCE SAMPLES FROM A CASE WITH
2 NO SEXUAL ASSAULT KIT BUT INVOLVING A SEXUAL ASSAULT. FOR
3 REPORTING REQUIREMENT PURPOSES, SUBSECTION (7)(a)(II) OF THIS
4 SECTION AND THIS SUBSECTION (7)(a)(III) ARE CONSIDERED SEPARATE
5 DATA POINTS IF TESTED SEPARATELY OR NOT YET TESTED BUT
6 SEGREGATED FOR TESTING APART FROM AN ASSOCIATED SEXUAL ASSAULT
7 KIT.

8 (b) THE FEDERAL COMBINED DNA INDEX SYSTEM EXPERIENCE
9 DATA FOR COMPLETED KITS FOR SEXUAL ASSAULT TEST KITS ORIGINATING
10 IN COLORADO, INCLUDING:

11 (I) THE NUMBER OF SEXUAL ASSAULT KIT TEST RESULTS ENTERED
12 INTO THE INDEX SYSTEM;

13 (II) THE NUMBER OF ENTERED TEST RESULTS THAT RESULTED IN A
14 HIT IN THE INDEX SYSTEM; AND

15 (III) THE TYPE OF HIT REPORTED BY THE INDEX SYSTEM,
16 INCLUDING IF THE HIT WAS A FORENSIC HIT, AN OFFENDER HIT, OR
17 ANOTHER RELEVANT HIT;

18 (c) THE AVAILABLE AND ANTICIPATED CAPACITY OR CAPACITY
19 LIMITS ACROSS THE STATEWIDE CRIME LABORATORY SYSTEM AND AT EACH
20 INDIVIDUAL LABORATORY IN THE STATEWIDE CRIME LABORATORY
21 SYSTEM;

22 (d) THE CURRENT NUMBER OF CASES IN THE FORENSIC MEDICAL
23 EVIDENCE BACKLOG AND FORENSIC MEDICAL EVIDENCE CASELOAD
24 STATUS;

25 (e) CURRENT LABORATORY PROCESSES, WITH ASSESSMENTS ON
26 RELATIVE PRODUCTIVITY, EFFICIENCY, AND RECOMMENDATIONS FOR
27 IMPROVED PROCESSES;

1 (f) STATEWIDE COORDINATION ISSUES RELATED TO IMPROVING THE
2 HANDLING OF THE SEXUAL ASSAULT KIT BACKLOG AND ONGOING SEXUAL
3 ASSAULT KIT TESTING;

4 (g) RECOMMENDATIONS TO IMPROVE STATE POLICY OR PROCESSES
5 ACROSS THE STATEWIDE CRIME LABORATORY SYSTEM RELATED TO SEXUAL
6 ASSAULT KIT TESTING AND LAW ENFORCEMENT INVESTIGATIONS THAT
7 ENHANCE SEXUAL ASSAULT VICTIM EXPERIENCE IN THE RELATED
8 INVESTIGATION AND JUSTICE PROCESS; AND

9 (h) THE BUREAU'S METHODOLOGY AND PROCESSES REGARDING ITS
10 REIMBURSEMENT OF LOCAL CRIME LABORATORIES AND AN ASSESSMENT
11 AND ANY RECOMMENDATIONS THE COORDINATOR DEEMS NECESSARY TO
12 IMPROVE EFFICIENCY AND EFFICACY WHILE INCORPORATING SIMILAR DATA
13 POINTS FROM LOCAL CRIME LABORATORIES AS A COMPARISON.

14 ==

15 (8)(a) THE BUREAU AND LOCAL AND REGIONAL PUBLICLY FUNDED
16 LABORATORIES SHALL COOPERATE WITH THE INDEPENDENT SEXUAL
17 ASSAULT KIT COORDINATOR BY CONFIDENTIALLY RELEASING STATISTICS
18 AND INFORMATION ABOUT LABORATORY PROCESSES RELATED TO THE
19 COORDINATOR'S MANDATE; EXCEPT THAT THE BUREAU AND A LOCAL OR
20 REGIONAL PUBLICLY FUNDED LABORATORY ARE NOT REQUIRED TO
21 RELEASE STATISTICS AND INFORMATION THEY ARE REQUIRED TO KEEP
22 CONFIDENTIAL PURSUANT TO STATE OR FEDERAL LAW OR COURT ORDER.

23 (b) THE COORDINATOR SHALL KEEP THE STATISTICS AND
24 INFORMATION CONFIDENTIAL, EXCEPT AS NECESSARY TO COMPLETE THE
25 COORDINATOR'S REPORT DESCRIBED IN SUBSECTION (7) OF THIS SECTION.

26 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2030.

27 **SECTION 2.** In Colorado Revised Statutes, 24-4.1-302.5, **add**

1 (1)(b.8)(II.5) as follows:

2 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
3 order to preserve and protect a victim's rights to justice and due process,
4 each victim of a crime has the following rights:

5 (b.8) For a victim who has had forensic medical evidence
6 collected pursuant to section 12-240-139 (1)(b) that has not resulted in a
7 conviction or plea of guilty, the right to be notified by the law
8 enforcement agency with jurisdiction for the case, upon request, of the
9 status and location of the victim's forensic medical evidence including:

10 (II.5) NOTWITHSTANDING SUBSECTION (1)(b.8)(II) OF THIS
11 SECTION, THE RIGHT TO BE NOTIFIED AT LEAST ONCE EVERY NINETY DAYS
12 BY THE LAW ENFORCEMENT AGENCY IF THE LAW ENFORCEMENT AGENCY
13 HAS NOT RECEIVED THE RESULTS OF THE MEDICAL FORENSIC EVIDENCE
14 DNA ANALYSIS FROM THE ACCREDITED CRIME LABORATORY;

15 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-113, **add** (6)
16 as follows:

17 **24-33.5-113. Forensic medical evidence in sexual assault cases**
18 **- rules - testing - confidentiality - definition.** (6) (a) UPON SUBMISSION
19 OF FORENSIC MEDICAL EVIDENCE TO AN ACCREDITED CRIME LABORATORY,
20 THE ACCREDITED CRIME LABORATORY MUST ENDEAVOR TO ANALYZE AND,
21 WHEN APPROPRIATE, UPLOAD THE INFORMATION INTO THE COMBINED
22 DNA INDEX SYSTEM WITHIN SIXTY DAYS AFTER RECEIPT OF THE FORENSIC
23 MEDICAL EVIDENCE.

24 (b) AS USED IN THIS SUBSECTION (6), "ACCREDITED CRIME
25 LABORATORY" MEANS A LAW ENFORCEMENT CRIME LABORATORY THAT
26 HAS RECEIVED FORENSIC ACCREDITATION THROUGH ISO/IEC 17025
27 REQUIREMENTS.

1 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-113.5,
2 **amend** (4)(a) introductory portion, (4)(a)(II), and (4)(a)(III); and **add**
3 (4)(a)(IV) as follows:

4 **24-33.5-113.5. Forensic medical evidence in sexual assault**
5 **cases - tracking system.** (4) (a) On or after January 30, 2026, and on or
6 before January 30 AND JULY 31 of each year thereafter, the executive
7 director of the department shall submit a report to ~~the judiciary~~
8 ~~committees of the house of representatives and senate, or any successor~~
9 ~~committees~~ EVERY MEMBER OF THE GENERAL ASSEMBLY, including the
10 following information from the preceding ~~calendar year~~ PERIOD OF JULY
11 1 THROUGH DECEMBER 31 OR JANUARY 1 THROUGH JUNE 30, AS
12 APPLICABLE:

13 (II) The total number of sexual assault evidence collection kits
14 analyzed by a forensic laboratory; ~~and~~

15 (III) The total number of sexual assault evidence collection kits
16 pending analysis by a forensic laboratory; AND

17 (IV) THE AVERAGE AMOUNT OF TIME BETWEEN RECEIPT OF AND
18 COMPLETED ANALYSIS OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS.

19 **SECTION 5.** In Colorado Revised Statutes, section 24-33.5-432,
20 **add as added by Senate Bill 25-170** (4)(d)(II.3) and (4)(d)(II.5) as
21 follows:

22 **24-33.5-432. Appropriation - DNA retesting - sexual assault kit**
23 **backlog - reporting requirements - definition.** (4) The department of
24 public safety shall:

25 (d) Provide email updates every thirty days beginning March 10,
26 2025, through June 30, 2026, to the general assembly regarding the
27 forensic medical evidence and sexual assault kit backlogs, which include:

1 (II.3) THE TOTAL NUMBER OF CASES WITH A PENDING DNA
2 EVIDENCE SAMPLE COLLECTED WITH AN ATTACHED, OR INDEPENDENTLY
3 SUBMITTED, SEXUAL ASSAULT KIT;

4 (II.5) THE TOTAL NUMBER OF CASES WITH A PENDING DNA
5 EVIDENCE SAMPLE COLLECTED FROM A CRIME SCENE INVOLVING SEXUAL
6 ASSAULT BUT FOR WHICH NO SEXUAL ASSAULT KIT HAS BEEN SUBMITTED;

7 **SECTION 6. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.