



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1275: FORENSIC SCIENCE INTEGRITY

Prime Sponsors:

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Sen. Weissman; Frizell

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Fiscal note status: This fiscal note reflects the introduced bill. Due to time constraints, this analysis is preliminary and will be updated following further review and any additional information received.

Summary Information

Overview. The bill creates a duty to report wrongful actions by crime lab employees, requires the crime lab director to investigate such actions, and creates a process for individuals to seek post-conviction relief if their case is impacted.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures
- Local Government

Appropriations. For FY 2025-26, the bill requires an appropriation of \$3.1 million to multiple agencies.

Table 1
State Fiscal Impacts

Type of Impact ¹	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28	Out Year FY 2028-29
State Revenue	\$0	\$7,473	\$7,473	\$7,473
State Expenditures	\$3,440,971	\$3,747,529	\$3,731,889	\$3,310,275
Transferred Funds	\$0	\$0	\$0	\$0
Change in TABOR Refunds	\$0	\$7,473	not estimated	not estimated
Change in State FTE	18.1 FTE	20.6 FTE	20.6 FTE	16.1 FTE

¹ Fund sources for these impacts are shown in the table below.

Table 1A
State Revenue

Fund Source	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28	Out Year FY 2028-29
General Fund	\$0	\$0	\$0	\$0
Cash Funds	\$0	\$7,473	\$7,473	\$7,473
Total Revenue	\$0	\$7,473	\$7,473	\$7,473

Table 1B
State Expenditures

Fund Source	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28	Out Year FY 2028-29
General Fund	\$3,106,461	\$3,368,166	\$3,352,526	\$3,001,568
Cash Funds	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0
Centrally Appropriated	\$334,510	\$379,363	\$379,363	\$308,707
Total Expenditures	\$3,440,971	\$3,747,529	\$3,731,889	\$3,310,275
Total FTE	18.1 FTE	20.6 FTE	20.6 FTE	16.1 FTE

Summary of Legislation

The bill creates a duty to report wrongful actions by crime lab employees, requires the crime lab director to investigate such actions, and creates a process for individuals to seek post-conviction relief if their case is impacted.

Duty to Report

The bill requires a crime lab employee to report any wrongful action they witness or discover to their supervisor or the crime lab director within 14 days of the incident. If a supervisor is notified, they must notify the director within 72 hours of receiving the report.

Beginning July 1, 2025, the crime lab director must investigate wrongful actions. When certain circumstances occur, the director must notify the district attorney within 90 days.

The bill outlines what an investigation must include, allows the director to use independent experts, and requires the director to submit a final written report at the conclusion of each investigation to affected district attorneys.

Finally, the bill requires the director to review all records of the crime lab to identify wrongful actions by current or former employees committed prior to July 1, 2025. If any wrongful cases are discovered, the director must follow the same notification procedure as above.

Post-Conviction Relief Process

When a district attorney receives notification of cases where wrongful actions were discovered, the district attorney must notify the impacted defendant, defendant's counsel, and victim. Upon receipt of the notification, the bill establishes that the defendant has a right to counsel and discovery and establishes a process for the defendant to file for public defender. The defendant may then petition the court for post-conviction relief. After receiving the petition and finding it meets the necessary requirements, the court must order the district attorney to respond to the petition with 35 days and afford the defendant an opportunity to reply to response. After receiving responses, the court may dismiss a petition without a hearing if the petition fails to show the defendant is entitled to relief, or schedule an evidentiary hearing to decide upon the merits.

During the hearing the defendant has the burden to show, by a preponderance of the evidence, that the crime lab employee engaged in a wrongful action and that their conduct is material to the case. If the defense meets its burden of proof, the court must vacate the conviction and grant a new trial.

Finally, the bill establishes the time period after notification to bring a claim depending on the classification of the offense as follows:

- no limit for class 1 felonies;
- 3 years for other felonies;
- 18 months for misdemeanors; and
- 6 months for petty offenses.

Background

In response to testing anomalies from a former DNA analyst discovered at the Colorado Bureau of Investigation (CBI), the General Assembly appropriated \$7.4 million to the CBI for district attorney reimbursement (\$4.4 million) and for DNA testing and reimbursement (\$3.0 million) for the estimated 3,000 identified cases with anomalies. Since that time, according to this [Joint Budget Committee Staff supplemental](#), CBI has identified anomalies in 1,003 cases affected by the analyst's misconduct. It is currently unknown how many of these cases resulted in conviction.

Assumptions

The fiscal note assumes that the bill results in at least 1,003 potential cases going back 30 years that can file for post-conviction relief. However, under current law, those convicted of an offense may file for post-conviction remedies under Court Rule 35 (c) within 3 years for non-class 1 felonies; 18 months for misdemeanors; and 6 months for petty offenses following the conviction. Assuming about 100 cases occurred within the last 3 years and can file for post-conviction remedies under current law, this leaves about 903 cases potentially eligible to file under the bill.

Of the remaining 903 cases, it is assumed that 75 percent of cases (677 cases) will have cause to file a motion and progress to an evidentiary hearing that will take 4 hours on average. Of these 677 cases that hold an evidentiary hearing, the fiscal note assumes that 17 cases will result in a new jury trial, which requires an average of 24 hours of court time.

Finally, the fiscal note assumes that the notification of misconduct will also lead to an increase in civil cases. The fiscal note assumes that of the 677 cases, 30 percent will also file a civil suit, resulting in an additional 203 civil cases. According to Judicial Department workload standards, one judge can hear 376 civil cases per year. The fiscal note also assumes that civil cases will begin in the out year due to the amount of time for individuals to receive a ruling on their post-conviction remedies.

State Revenue

Starting in FY 2026-27, revenue to various Judicial Cash Funds will increase due to additional civil case filing fees. Based on the assumed number of cases, an indigence rate of 25 percent, and the average filing fee of \$265, revenue is estimated to increase by about \$7,500 per year. Revenue is subject to the state's TABOR limit.

State Expenditures

The bill increases state expenditures by \$3.4 million in FY 2025-26, \$3.7 million in FY 2026-27 and FY 2027-28, and \$3.3 million in FY 2028-29 an ongoing. These costs will be incurred in the Department of Public Safety (CDPS), the Judicial Department, and the offices that represent indigent offenders, as shown in Table 2 and described in the sections below. Costs are paid from the General Fund.

Table 2
State Expenditures
All Departments

Department	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28	Out Year FY 2028-29
Judicial Department	\$822,874	\$1,075,766	\$1,060,126	\$1,060,126
Department of Public Safety	\$1,618,097	\$1,671,763	\$1,671,763	\$1,250,149
Indigent Defense	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Total Costs	\$3,440,971	\$3,747,529	\$3,731,889	\$3,310,275

Judicial Department

By creating a new timeline for post-conviction relief, the bill increases expenditures in the trial courts to hold additional trials.

Staff

The trial courts require 6.0 FTE in FY 2025-26 and 8.0 FTE in FY 2026-27 and ongoing to hear additional cases. This includes 1.5 FTE magistrates in FY 2025-26 and 2.0 magistrates in FY 2026-27 and ongoing based on the assumed number of hearings outlined in the Assumptions section. This includes 4.5 FTE support staff in FY 2025-26 and 6.0 FTE support staff in FY 2026-27 and ongoing (at a 1:3 ratio). Costs include additional operating costs of \$4,720 per magistrate.

Table 2A
State Expenditures
Judicial Department

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28	Out Year FY 2028-29
Personal Services	\$645,356	\$860,475	\$860,475	\$860,475
Operating Expenses	\$12,780	\$17,040	\$17,040	\$17,040
Capital Outlay Costs	\$30,180	\$18,840	\$3,200	\$3,200
Centrally Appropriated Costs	\$134,558	\$179,411	\$179,411	\$179,411
Total Costs	\$822,874	\$1,075,766	\$1,060,126	\$1,060,126
Total FTE	6.0 FTE	8.0 FTE	8.0 FTE	8.0 FTE

Department of Public Safety

The bill increases required staff in the CBI, including term-limited staff through FY 2027-28, and legal services support, as described below.

Staff

The CBI requires 10.1 FTE starting in FY 2025-26 through FY 2027-28, and 6.1 FTE in FY 2028-29 and ongoing to conduct a review of all files before 2025 and to investigate any wrongful actions in the future. This includes 4.0 term-limited FTE to conduct a review of past incidents for three years. The 6.1 FTE permanent staff the creation of a quality assurance team to provide better support to investigate instances of wrongful actions. This includes a supervisor of a quality assurance team, a forensic scientist, a special agent to investigate any wrongful actions, two program assistants to provide required documentations and discoveries to individuals, and an administrator to provide support to the team. In addition, the department requires 0.1 accounting technician for the new staff added. In addition to standard operating costs, certain staff require additional agent operating costs and a vehicle lease.

Legal Services

Expenditures will increase for the DPS to receive legal services from the Department of Law. This includes providing legal support through the process of past review of files, and to ensure requirements of discovery and notifications are adhered to in future cases. This work is estimated to require 3,600 hours of legal services in FY 2025-26, 4,500 hours in FY 2026-27 and FY 2027-28, and 3,600 hours in FY 2028-29 and ongoing at \$133.74 per hour.

Table 2B
State Expenditures
Department of Public Safety

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28	Out Year FY 2028-29
Personal Services	\$800,909	\$800,909	\$800,909	\$575,437
Operating Expenses	\$12,928	\$12,928	\$12,928	\$7,808
Capital Outlay Costs	\$66,700	\$0	\$0	\$0
Legal Services	\$481,464	\$601,830	\$601,830	\$481,464
Agent Package	\$39,660	\$39,660	\$39,660	\$28,660
Vehicle Lease	\$16,484	\$16,484	\$16,484	\$16,484
Centrally Appropriated Costs	\$199,952	\$199,952	\$199,952	\$129,296
FTE – Personal Services	10.1 FTE	10.1 FTE	10.1 FTE	6.1 FTE
FTE – Legal Services	2.0 FTE	2.5 FTE	2.5 FTE	2.0 FTE
Total Costs	\$1,618,097	\$1,671,763	\$1,671,763	\$1,250,149
Total FTE	12.1 FTE	12.6 FTE	12.6 FTE	8.1 FTE

Indigent Defense

The bill increases expenditures in the Office of the State Public Defender and the Office of the Alternate Defense Counsel to represent additional clients who receive notification that their case is impacted by mishandling of DNA evidence at the CBI crime lab and are permitted representation from one of these offices. Under current law, indigent clients may not request court-appointed counsel until after they file their own claim and a court finds enough merit to the claim.

The OSPD and OADC requested \$2.0 million to provide representation to impacted individuals in their budget request. At figure setting, JBC Staff recommended a \$1.0 million appropriation per year to provide the defense. The fiscal note assumes this \$1.0 million cost, which can be appropriated in the bill, or through the budget process, and is shown here for informational purposes.

In future years, expenditures will increase to the extent CBI identifies more wrongful actions. Because it is unknown how many wrongful actions in the future will end up at trial, the fiscal note assumes that the offices will request additional funding through the annual budget process if necessary.

Table 2C
State Expenditures
Offices Representing Indigent Offenders

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28	Out Year FY 2028-29
Indigent Defense	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Total Costs	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000

Other Criminal Justice Impacts

To the extent the bill results in individuals getting their convictions overturned, and released from their sentences, costs to various departments and divisions, such as the Department of Corrections, the Division of Probation, and Community Corrections may decrease. Because it is unknown how sentences will change, any change in appropriations will be adjusted through the annual budget project.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in the expenditure tables above.

TABOR Refunds

The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts shown in the State Revenue section above. This estimate assumes the December 2024 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2026-27. Because TABOR refunds are paid from the General Fund, increased cash fund revenue will reduce the amount of General Fund available to spend or save.

Local Government

Expenditures and workload to district attorneys will increase to provide the necessary notification, to attend additional evidence hearings, and to participate in new trials. The General Assembly has already appropriated \$4.4 million to reimburse district attorney offices, but if the bill results in more discovered cases of wrongdoing, expenditures in these offices will increase.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature. The act applies to claims for relief filed on or after the effective date that are based on knowing misconduct or a significant event that occurred before, on, or after the effective date of this act.

State Appropriations

For FY 2025-26, the bill requires General Fund appropriations totaling \$3,106,461, as follows:

- \$688,316 is to the Judicial Department and 6.0 FTE;
- \$1,418,145 is to the Department of Public Safety and 10.1 FTE, of which \$481,464 is reappropriated to Law with an additional 2.0 FTE; and
- \$1,000,000 is to the Office of the State Public Defender and the Office of Alternate Defense Counsel, which may be appropriated in this bill or in the FY 2025-26 Long Bill.

Departmental Difference

The Judicial Department estimates costs of \$3.0 million per year starting in FY 2025-26. Relative to the fiscal note estimate above, the Judicial Department estimates the need for 7 additional magistrates, resulting in a total increase of 28 court staff. This is under the assumption that there will be 2,250 additional motions for post-conviction relief, 57 new trials, and 765 additional civil cases. The fiscal note estimates a lower number of cases based on the updated number of cases CBI has identified and assumes that any new civil cases will occur in the out year.

State and Local Government Contacts

Corrections	Law
District Attorneys	Personnel
Judicial	
Public Safety	