

HOUSE COMMITTEE OF REFERENCE REPORT

	March 26, 2025
Chair of Committee	Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB25-1275 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 4, line 1, strike "LIBERALLY CONSTRUED" and  
2 substitute "INTERPRETED".

3 Page 4, line 8, after the period add "'CRIME LABORATORY" DOES NOT  
4 INCLUDE A LABORATORY OPERATED BY A COUNTY CORONER'S OFFICE."

5 Page 4, after line 14 insert:

6 "(4) "FINAL REPORT" MEANS THE FINAL REPORT PREPARED BY A  
7 CRIME LABORATORY DIRECTOR FOLLOWING AN INVESTIGATION OF  
8 ALLEGED WRONGFUL ACTION, DESCRIBED IN SECTION 16-12-305 (4)(c)".

9 Renumber succeeding subsections accordingly.

10 Page 4, line 24, strike "AND DECEPTIVE. "KNOWING" and substitute "OR  
11 DECEPTIVE, AND WHICH ACT OR OMISSION OR SERIES OF ACTS OR  
12 OMISSIONS INVOLVE:

13 (a) THE MISHANDLING OF PHYSICAL EVIDENCE OR DATA ELEMENTS  
14 OR RESULTS;

15 (b) INCORRECTLY PERFORMING FORENSIC TESTING;

16 (c) PRESENTING MISLEADING OR FALSE RESULTS;

17 (d) CONCEALING MATERIAL INFORMATION; OR

18 (e) PRESENTING FALSE SWORN TESTIMONY ABOUT THE EVIDENCE."

19 Page 4, strike lines 25 through 27.

20 Page 5, strike lines 1 and 2.

21 Page 5, line 5, before "STANDARD" insert "LABORATORY".

- 1 Page 5, line 17, strike "FOURTEEN" and substitute "SEVEN".
- 2 Page 6, line 7, strike "(a)".
- 3 Page 6, line 12, after "SHALL" insert "FORTHWITH" and strike "THE".
- 4 Page 6, strike lines 13 through 27.
- 5 Strike page 7.
- 6 Page 8, strike lines 1 through 9.
- 7 Page 8, line 10, strike "(a)".
- 8 Page 8, line 13, strike "(I)" and substitute "(a)".
- 9 Page 8, line 15, strike "(II)" and substitute "(b)".
- 10 Page 8, line 16, strike "(III)" and substitute "(c)".
- 11 Page 8, line 19, strike "(IV)" and substitute "(d)".
- 12 Page 8, line 22, strike "AND".
- 13 Page 8, line 23, strike "(V)" and substitute "(e)".
- 14 Page 8, strike lines 24 through 27 and substitute "OCCURRED; AND
- 15 (f) IDENTIFYING AND COMPILING A LIST OF ALL CASES THAT THE
- 16 CRIME LABORATORY EMPLOYEE WORKED ON IN AN OFFICIAL CAPACITY AT
- 17 THE CRIME LABORATORY. THE INVESTIGATION NEED NOT INCLUDE A
- 18 REVIEW OF THE CASE WORK ON ANY CASE INCLUDED ON THE LIST UNLESS
- 19 THE CRIME LABORATORY DIRECTOR DETERMINES THAT A REVIEW IS
- 20 WARRANTED.
- 21 (3) (a) WHEN AN INVESTIGATION IS OF ALLEGED WRONGFUL
- 22 ACTION IN A PENDING CASE, THE CRIME LABORATORY DIRECTOR SHALL,
- 23 WITHIN SEVEN DAYS OF BEGINNING THE INVESTIGATION, NOTIFY THE
- 24 DISTRICT ATTORNEY WITH JURISDICTION OVER EACH PENDING CRIMINAL
- 25 CASE THAT IS SUBJECT TO THE INVESTIGATION ABOUT THE INVESTIGATION.
- 26 (b) THE NOTICE TO THE DISTRICT ATTORNEY MUST INCLUDE:
- 27 (I) THE NAME OF THE CRIME LABORATORY EMPLOYEE;
- 28 (II) THE NATURE OF THE ALLEGATION; AND
- 29 (III) A LIST OF THE CASES IDENTIFIED IN THE INITIAL

1 INVESTIGATION PURSUANT TO SUBSECTION (1) OF THIS SECTION IN WHICH  
2 THERE IS AN ALLEGED WRONGFUL ACTION OR THAT ARE BEING REVIEWED  
3 AS PART OF INVESTIGATION INTO THE ALLEGED WRONGFUL ACTION.

4 (4) (a) WITHIN NINETY-ONE DAYS OF THE REPORT OF WRONGFUL  
5 ACTION TO THE CRIME LABORATORY DIRECTOR, THE DIRECTOR SHALL  
6 COMPLETE THE INVESTIGATION OF A WRONGFUL ACTION AND DETERMINE  
7 WHETHER WRONGFUL ACTION OCCURRED IN A CASE IDENTIFIED IN THE  
8 INITIAL INVESTIGATION NOTICE TO THE DISTRICT ATTORNEY MADE  
9 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION.

10 (b) (I) IF THE INVESTIGATION CANNOT BE COMPLETED WITHIN  
11 NINETY-ONE DAYS, THE CRIME LABORATORY DIRECTOR SHALL PROVIDE  
12 NOTICE OF THE INVESTIGATION TO EACH DISTRICT ATTORNEY WHO HAS  
13 JURISDICTION OVER ANY CASE THE CRIME LABORATORY EMPLOYEE  
14 WORKED ON IN AN OFFICIAL CAPACITY, INCLUDING CASES SUBJECT TO THE  
15 NOTICE REQUIRED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION.

16 (II) THE NOTICE TO THE DISTRICT ATTORNEY ABOUT AN ONGOING  
17 INVESTIGATION MADE PURSUANT TO SUBSECTION (4)(b)(I) OF THIS  
18 SECTION MUST INCLUDE:

19 (A) THE NAME OF THE CRIME LABORATORY EMPLOYEE;  
20 (B) THE NATURE OF THE ALLEGATION;  
21 (C) A WRITTEN UPDATE THAT ADDRESSES THE STATE OF THE  
22 INVESTIGATION, THE REASON FOR THE DELAY, AND THE ANTICIPATED  
23 TIMELINE FOR COMPLETING THE INVESTIGATION; AND  
24 (D) THE LIST OF CASES DESCRIBED IN SUBSECTION (2)(f) OF THIS  
25 SECTION.

26 (III) AFTER NOTIFYING A DISTRICT ATTORNEY ABOUT AN ONGOING  
27 INVESTIGATION PURSUANT TO SUBSECTION (4)(b)(I) OF THIS SECTION, THE  
28 CRIME LABORATORY DIRECTOR SHALL PROVIDE WRITTEN UPDATES ABOUT  
29 THE STATUS OF THE INVESTIGATION TO THE DISTRICT ATTORNEY AT LEAST  
30 EVERY THIRTY-FIVE DAYS THEREAFTER UNTIL THE INVESTIGATION IS  
31 COMPLETE.

32 (c) AT THE CONCLUSION OF THE INVESTIGATION, THE CRIME  
33 LABORATORY DIRECTOR SHALL PREPARE A WRITTEN FINAL REPORT  
34 DESCRIBING THE INVESTIGATION AND DETERMINATIONS ON THE CASES IN  
35 WHICH THERE IS AN ALLEGED WRONGFUL ACTION BY A CRIME  
36 LABORATORY EMPLOYEE. IF THE INVESTIGATION DETERMINES THAT THE  
37 CRIME LABORATORY EMPLOYEE ENGAGED IN WRONGFUL ACTION, THE  
38 FINAL REPORT MUST INCLUDE THE LIST OF CASES DESCRIBED IN  
39 SUBSECTION (2)(f) OF THIS SECTION AND THE RELEASE OF THE FINAL  
40 REPORT IS GOVERNED BY SECTION 24-72-303 (4)(a.5).

41 (5) (a) IF THE INVESTIGATION DETERMINES THAT THE CRIME  
42 LABORATORY EMPLOYEE DID NOT ENGAGE IN WRONGFUL ACTION, NO  
43 FURTHER ACTION IS REQUIRED BY THE CRIME LABORATORY DIRECTOR;

1 EXCEPT THAT:

2 (I) THE DIRECTOR SHALL DELIVER FORTHWITH THE FINAL REPORT  
3 OF THE INVESTIGATION TO EACH DISTRICT ATTORNEY WHO RECEIVED A  
4 NOTICE OF THE INVESTIGATION PURSUANT TO SUBSECTIONS (3) AND (4) OF  
5 THIS SECTION; AND

6 (II) THE DIRECTOR SHALL DELIVER FORTHWITH THE FINAL REPORT  
7 OF THE INVESTIGATION TO EACH DISTRICT ATTORNEY WITH JURISDICTION  
8 OVER ANY CASE THAT WAS SUBJECT TO INVESTIGATION PURSUANT TO  
9 SUBSECTION (1) OF THIS SECTION.

10 (b) IF THE INVESTIGATION DETERMINES THAT THE CRIME  
11 LABORATORY EMPLOYEE ENGAGED IN WRONGFUL ACTION, THE CRIME  
12 LABORATORY DIRECTOR SHALL:

13 (I) DELIVER FORTHWITH THE FINAL REPORT OF THE  
14 INVESTIGATION, WHICH INCLUDES THE LIST OF CASES DESCRIBED IN  
15 SUBSECTION (2)(f) OF THIS SECTION, TO EACH DISTRICT ATTORNEY WHO  
16 HAS JURISDICTION OVER ANY CASE THAT THE CRIME LABORATORY  
17 EMPLOYEE WORKED ON IN AN OFFICIAL CAPACITY; AND

18 (II) PROVIDE THE DISTRICT ATTORNEY ALL MATERIALS  
19 DISCOVERABLE BY THE DEFENDANT PURSUANT TO SECTION 16-12-309 ON  
20 A TIMELY AND ONGOING BASIS THROUGH THE CONCLUSION OF  
21 POST-CONVICTION PROCEEDINGS. THE DIRECTOR SHALL RESPOND TO ANY  
22 REQUESTS FOR DISCOVERABLE MATERIAL FROM THE DISTRICT ATTORNEY  
23 BY PROVIDING THE REQUESTED MATERIALS OR BY RESPONDING IN WRITING  
24 WITHIN TWENTY-FOUR DAYS AFTER RECEIVING THE REQUEST THAT THE  
25 REQUESTED MATERIALS DO NOT EXIST.

26 (6) A CRIME LABORATORY MUST ADOPT POLICIES AND  
27 PROCEDURES GOVERNING:

28 (a) PROCEDURES NEEDED TO COMPLY WITH THE MANDATES OF THIS  
29 ARTICLE 12; AND

30 (b) THE PRESERVATION OF RECORDS RELATED TO WRONGFUL  
31 ACTION REPORTS RECEIVED BY THE CRIME LABORATORY DIRECTOR AND  
32 THE DIRECTOR'S INVESTIGATION AND INVESTIGATORY REPORTS. THE  
33 POLICIES MUST REQUIRE THAT ALL RECORDS ARE PRESERVED AT LEAST  
34 THROUGH THE FINAL RESOLUTION OF LITIGATION OR POTENTIAL  
35 LITIGATION IN ALL AFFECTED CASES AND ANY RELATED CIVIL CASES.

36 (7) IF AN INVESTIGATION CONCERNING WRONGFUL ACTION BY A  
37 CRIME LABORATORY OCCURRED AFTER JULY 1, 2014, AND BEFORE JULY 1,  
38 2025, AND THE INVESTIGATION RESULTED IN CRIMINAL ALLEGATIONS  
39 FILED AGAINST THE CRIME LABORATORY EMPLOYEE OR A SUSTAINED  
40 INTERNAL AFFAIRS ACTION BY THE DEPARTMENT SUPERVISING THE CRIME  
41 LABORATORY EMPLOYEE, THE CRIME LABORATORY DIRECTOR SHALL, AS  
42 SOON AS PRACTICABLE BUT NO LATER THAN SEPTEMBER 1, 2025, PREPARE  
43 A FINAL REPORT, AS DESCRIBED IN SUBSECTION (4)(c) OF THIS SECTION,

1 AND PROVIDE THE REPORT TO ALL DISTRICT ATTORNEYS WITH  
2 JURISDICTION OVER ANY CRIMINAL CASE THAT IS IDENTIFIED IN THE FINAL  
3 REPORT THAT IS PENDING OR HAS RESULTED IN A CONVICTION IN THAT  
4 JURISDICTION. THE REPORT MUST INCLUDE THE LIST OF CASES REQUIRED  
5 IN SUBSECTION (2)(f) OF THIS SECTION.

6 (8) ALL RECORDS RELATED TO AN INVESTIGATION, INCLUDING  
7 NOTICES AND REPORTS, ARE CRIMINAL JUSTICE RECORDS AS DEFINED IN  
8 SECTION 24-72-302. EXCEPT AS PROVIDED IN THIS SECTION, RELEASE OF  
9 THE RECORDS IS GOVERNED BY PART 3 OF ARTICLE 72 OF TITLE 24.

10 **16-12-306. Prosecution duty to notify defendants and**  
11 **defendant's counsel - content of notice.** (1) A DISTRICT ATTORNEY WHO  
12 RECEIVES A NOTICE FROM A CRIME LABORATORY DIRECTOR PURSUANT TO  
13 SECTION 16-12-305 (3)(a) THAT AN INVESTIGATION OF WRONGFUL ACTION  
14 WAS INITIATED SHALL NOTIFY THE DEFENDANT IN THE CASE THAT IS  
15 SUBJECT TO THE INVESTIGATION AS SOON AS PRACTICABLE BUT NO LATER  
16 THAN NINETY-ONE DAYS AFTER RECEIVING THE NOTICE OF THE INITIATION  
17 OF THE INVESTIGATION, UNLESS COURT RULES, COURT ORDER, OR LAW  
18 REQUIRES AN EARLIER DEADLINE FOR DISCLOSURE.

19 (2) (a) A DISTRICT ATTORNEY WHO RECEIVES A FINAL REPORT OF  
20 AN INVESTIGATION PURSUANT TO SECTION 16-12-305 (5)(b) OR (7) THAT  
21 DETERMINES THAT A CRIME LABORATORY EMPLOYEE ENGAGED IN  
22 WRONGFUL ACTION IN A CASE SHALL NOTIFY THE DEFENDANT IN THAT  
23 CASE, AND EACH DEFENDANT WHOSE CASE WAS REVIEWED AS PART OF THE  
24 INVESTIGATION, OF THE DETERMINATION OF WRONGFUL ACTION IN THE  
25 CASE THAT IS SUBJECT TO THE INVESTIGATION AS SOON AS PRACTICABLE  
26 BUT NO LATER THAN NINETY-ONE DAYS AFTER THE RECEIPT OF THE FINAL  
27 REPORT.

28 (b) THE DISTRICT ATTORNEY SHALL ALSO NOTIFY EACH  
29 DEFENDANT IN A CASE IDENTIFIED BY THE CRIME LABORATORY DIRECTOR  
30 IN THE LIST OF CASES DESCRIBED IN SECTION 16-12-305 (2)(f) THAT WAS  
31 PROVIDED TO THE DISTRICT ATTORNEY BUT ONLY IF THE DEFENDANT'S  
32 CRIMINAL CASE IS PENDING OR RESULTED IN A CONVICTION IN THAT  
33 JURISDICTION. THE DISTRICT ATTORNEY SHALL NOTIFY THE DEFENDANT AS  
34 SOON AS PRACTICABLE BUT NO LATER THAN NINETY-ONE DAYS AFTER  
35 RECEIPT OF THE FINAL REPORT.

36 (3) IF A CRIME LABORATORY DIRECTOR'S INVESTIGATION INITIATED  
37 PURSUANT TO SECTION 16-12-305 (1) IS NOT COMPLETED WITHIN ONE  
38 HUNDRED TWENTY-SIX DAYS, THE DISTRICT ATTORNEY SHALL NOTIFY THE  
39 DEFENDANTS IDENTIFIED BY THE CRIME LABORATORY IN THE LIST OF  
40 CASES DESCRIBED IN SECTION 16-12-305 (2)(f) THAT WAS PROVIDED TO  
41 THE DISTRICT ATTORNEY OF THE INVESTIGATION OF THE WRONGFUL  
42 ACTION BUT ONLY WHEN THE CRIMINAL CASE IS PENDING OR RESULTED IN  
43 A CRIMINAL CONVICTION. THE DISTRICT ATTORNEY SHALL NOTIFY THE

1 DEFENDANTS PURSUANT TO THIS SUBSECTION (3) AS SOON AS  
2 PRACTICABLE. THE NOTICE OF AN INCOMPLETE INVESTIGATION DESCRIBED  
3 IN THIS SUBSECTION (3) IS IN ADDITION TO THE NOTICE OF A FINAL REPORT  
4 REQUIRED IN SUBSECTION (2) OF THIS SECTION.

5 (4) IN ADDITION TO THE INFORMATION REQUIRED IN A NOTICE  
6 PURSUANT TO THIS SUBSECTION (4), THE NOTICE TO THE DEFENDANT MADE  
7 PURSUANT TO SUBSECTION (2) OF THIS SECTION MUST STATE THAT THERE  
8 IS A FINAL REPORT OF WRONGFUL ACTION BY A CRIME LABORATORY  
9 EMPLOYEE INVOLVED IN THE DEFENDANT'S CASE. THE NOTICE MADE TO A  
10 DEFENDANT PURSUANT TO THIS SECTION MUST INCLUDE:".

11 Strike pages 9 and 10.

12 Page 11, strike lines 1 through 18.

13 Renumber succeeding subsections accordingly.

14 Page 12, line 26, strike "(3)(c)" and substitute "(5)(c)".

15 Page 13, line 7, strike "(3)(c)" and substitute "(5)(c)".

16 Page 13, strike lines 12 through 24.

17 Page 13, lines 26 and 27, strike "OF WRONGFUL ACTION COMMITTED BY A  
18 CRIME LABORATORY EMPLOYEE" and substitute "THAT A CRIME  
19 LABORATORY EMPLOYEE ENGAGED IN WRONGFUL ACTION".

20 Page 15, strike line 14 and substitute "THAT A CRIME LABORATORY  
21 EMPLOYEE WHO WORKED ON THEIR CASE IS THE SUBJECT OF AN  
22 INVESTIGATION OF WRONGFUL ACTION,".

23 Page 15, line 26, strike "DISCOVERY" and substitute "DISCOVERY,  
24 INCLUDING POST-CONVICTION DISCOVERY,".

25 Page 16, line 15, strike "(4)(c)," and substitute "(5)(b)(II),".

26 Page 17, line 2, after "LABORATORY," insert "INCLUDING AN UNREDACTED  
27 COPY OF THE FINAL REPORT,".

28 Page 18, strike lines 11 through 15 and substitute:

29 "(5) (a) UNLESS IT IS IN CONFLICT WITH A SPECIFIC PROVISION OF  
30 THIS SECTION, RULE 16 OF THE COLORADO RULES OF CRIMINAL  
31 PROCEDURE APPLIES TO ANY POST-CONVICTION PROCEEDINGS UNDER THIS

1 SECTION.

2 (b) IN POST-CONVICTION PROCEEDINGS UNDER THIS SECTION, A  
3 PROSECUTING ATTORNEY SHALL PERFORM THEIR OBLIGATIONS:

4 (I) PURSUANT TO SUBSECTIONS (2)(a), (2)(b), (2)(c), AND (2)(d) OF  
5 THIS SECTION AS SOON AS PRACTICABLE, BUT NOT LATER THAN  
6 FORTY-FIVE DAYS AFTER THE PROSECUTING ATTORNEY RECEIVES A VALID  
7 DISCOVERY REQUEST OR COURT ORDER PURSUANT TO SUBSECTION (1)(c)  
8 OF THIS SECTION; AND

9 (II) PURSUANT TO SUBSECTIONS (2)(e), (2)(f), (2)(g), AND (2)(h)  
10 OF THIS SECTION AS SOON AS PRACTICABLE, BUT NOT LATER THAN  
11 THIRTY-FIVE DAYS BEFORE THE EVIDENTIARY HEARING REGARDING THE  
12 POST-CONVICTION PROCEEDING."

13 Page 19, after line 9 insert:

14 "(7) (a) IF A DEFENDANT ALLEGES A CLAIM OF INEFFECTIVE  
15 ASSISTANCE OF COUNSEL AS PART OF A CLAIM BROUGHT PURSUANT TO  
16 THIS SECTION, THE PROVISIONS OF SECTION 18-1-417 REGARDING WAIVER  
17 OF CONFIDENTIALITY APPLY.

18 (b) THE COUNSEL OF RECORD SHALL DISCLOSE ANY MATERIALS  
19 FROM A PRIOR COUNSEL FILE THAT MUST BE DISCLOSED PURSUANT TO  
20 SECTION 18-1-417 AS SOON AS PRACTICABLE UPON A REQUEST FROM THE  
21 PROSECUTION AND NO LATER THAN THIRTY-FIVE DAYS FROM THE REQUEST  
22 OF THE PROSECUTION. THE CUSTODIAN MAY FILE A MOTION WITH THE  
23 COURT AND THE COURT MAY GRANT AN EXTENSION TO MAKE THE  
24 DISCLOSURE UPON A SHOWING OF GOOD CAUSE.

25 (c) AFTER MAKING A REQUEST PURSUANT TO SECTION 18-1-417  
26 UPON A SHOWING OF A GOOD FAITH BELIEF THAT MATERIAL EXISTS WITHIN  
27 THE SCOPE OF A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL THAT HAS  
28 NOT BEEN PRODUCED, THE PROSECUTION MAY FILE A MOTION WITH THE  
29 COURT SEEKING IN CAMERA REVIEW OF MATERIAL SUBJECT TO A GOOD  
30 FAITH DISPUTE. THE PROSECUTION SHALL SERVE ANY SUCH REQUEST UPON  
31 THE CUSTODIAN OF THE RECORDS.

32 (8) SUBJECT TO CONSTITUTIONAL LIMITATIONS, THE COURT SHALL  
33 SET A DEADLINE AT LEAST THIRTY-FIVE DAYS PRIOR TO THE EVIDENTIARY  
34 HEARING FOR THE PARTIES TO:

35 (a) EXCHANGE THE NAME AND ADDRESS OF EACH WITNESS A  
36 PARTY MAY CALL AT THE HEARING AND TO DESIGNATE WITNESSES WHO  
37 ARE LIKELY TO BE CALLED; AND

38 (b) DESIGNATE A WITNESS AS AN EXPERT AND DESIGNATE THE  
39 AREA IN WHICH THE PARTY WILL SEEK TO QUALIFY THE EXPERT. SUBJECT  
40 TO CONSTITUTIONAL LIMITATIONS, THE COURT SHALL ORDER THE PARTIES  
41 TO PROVIDE A REPORT FROM THE DESIGNATED EXPERT OR SUMMARY OF  
42 THE EXPERT'S TESTIMONY THAT ALLOWS THE OPPOSING PARTY TO PREPARE

1 TO RESPOND TO THE EXPERT'S TESTIMONY."

2 Page 22, line 16, strike "OF:" and substitute "OF JUSTIFIABLE EXCUSE OR  
3 EXCUSABLE NEGLIGENCE."

4 Page 22, strike lines 17 through 19.

5 Page 23, lines 7 and 8, strike "SHALL DETERMINE WHETHER THE TIME  
6 PERIOD TO FILE THE PETITION HAS EXPIRED BEFORE THE EVIDENTIARY  
7 HEARING." and substitute "SHALL, PRIOR TO THE EVIDENTIARY HEARING,  
8 DETERMINE WHETHER THE PETITION WAS TIMELY FILED."

9 Page 23, strike lines 18 through 27.

10 Page 24, strike lines 1 and 2.

11 Page 24, line 3, strike "(b)" and substitute "(2)".

12 Page 24, line 7 and 8, strike "THIS SUBSECTION (2)." and substitute "ANY  
13 DEADLINES OR OTHER DISCOVERY REQUIREMENTS."

14 Page 24, strike lines 21 through 27 and substitute:  
15 "(5) (a) FOR THE PURPOSES OF THIS SECTION, WRONGFUL ACTION  
16 IS MATERIAL TO THE CASE IF, WHEN CONSIDERED IN THE TOTALITY OF THE  
17 CASE:  
18 (I) THE EVIDENCE TESTED BY THE CRIME LABORATORY EMPLOYEE  
19 OR THE RESULTS OF TESTING OR TESTIMONY OF THE CRIME LABORATORY  
20 EMPLOYEE IS SIGNIFICANT AND IMPORTANT EVIDENCE IN THE CASE;  
21 (II) (A) A FACT OR INFERENCE IN FAVOR OF GUILT THAT RESULTED  
22 FROM TESTING OR TESTIMONY ABOUT EVIDENCE TESTED BY THE CRIME  
23 LABORATORY EMPLOYEE WAS NOT ALSO ESTABLISHED BY INDEPENDENT,  
24 RELIABLE EVIDENCE; OR  
25 (B) A FACT OR INFERENCE IN FAVOR OF INNOCENCE BASED UPON  
26 ANY TESTING OR TESTIMONY ABOUT EVIDENCE TESTED BY THE CRIME  
27 LABORATORY EMPLOYEE WAS NOT KNOWN OR PRESENTED PRIOR TO THE  
28 CONVICTION AND COULD BE PRESENTED AT A NEW TRIAL; AND  
29 (III) THERE IS A REASONABLE PROBABILITY THAT, BUT FOR THE  
30 WRONGFUL ACTION, THE RESULTS OF THE PROCEEDING WOULD HAVE BEEN  
31 DIFFERENT, WHICH IS SATISFIED WHEN THERE IS EVIDENCE SUFFICIENT TO  
32 UNDERMINE CONFIDENCE IN THE VERDICT OR GUILTY PLEA.  
33 (b) AS LONG AS THE REQUIREMENTS OF SUBSECTION (5)(a) OF THIS  
34 SECTION ARE SATISFIED, WRONGFUL ACTION MAY BE MATERIAL TO THE  
35 CASE IF THE WRONGFUL ACTION SIGNIFICANTLY IMPEACHES OR CASTS



1 DOUBT UPON THE ACCURACY OF PHYSICAL EVIDENCE TESTING, THE  
2 PRESENTATION OF TEST RESULTS, TESTIMONY ABOUT THE TESTING OR  
3 PHYSICAL EVIDENCE BY A CRIME LABORATORY EMPLOYEE OR OTHER  
4 WITNESS."

5 Page 25, strike lines 1 through 5.

6 Page 25, after line 15 insert:

7 "SECTION 3. In Colorado Revised Statutes, 24-72-303, add  
8 (4)(a.5) as follows:

9 **24-72-303. Records of official actions required - open to**  
10 **inspection - applicability.** (4) (a.5) UPON COMPLETION OF A FINAL  
11 REPORT WHICH CONCLUDES A CRIME LABORATORY EMPLOYEE ENGAGED  
12 IN WRONGFUL ACTION, AS DESCRIBED IN SECTION 16-12-305 (5)(b), THE  
13 FINAL REPORT IS OPEN FOR PUBLIC INSPECTION, AND IF THE REQUESTER  
14 REQUESTS ACCESS TO REPORT, THE CUSTODIAN SHALL PROVIDE ACCESS TO  
15 THE FINAL REPORT SUBJECT TO THE PROVISIONS OF SUBSECTIONS (4)(b),  
16 (4)(c), AND (4)(d) OF THIS SECTION."

17 Renumber succeeding sections accordingly.

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