

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

INTRODUCED

LLS NO. 25-0919.01 Chelsea Princell x4335

SENATE BILL 25-240

SENATE SPONSORSHIP

Bridges and Kirkmeyer, Amabile

HOUSE SPONSORSHIP

Bird and Taggart, Sirota

Senate Committees

Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE ELECTRONIC DISCOVERY IN**
102 **CRIMINAL CASES TASK FORCE.**

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/>.)

Joint Budget Committee. The bill creates the electronic discovery in criminal cases task force (task force), which consists of 13 task force members. The purpose of the task force is to study the costs and management of electronic discovery in criminal cases.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 16-18-106 as
3 follows:

4 **16-18-106. Electronic discovery in criminal cases task force -**
5 **creation - purpose - membership - report - repeal.** (1) THERE IS
6 CREATED THE ELECTRONIC DISCOVERY IN CRIMINAL CASES TASK FORCE,
7 REFERRED TO IN THIS SECTION AS THE "TASK FORCE".

8 (2) THE PURPOSE OF THE TASK FORCE IS TO STUDY THE COSTS AND
9 MANAGEMENT OF ELECTRONIC DISCOVERY IN CRIMINAL CASES.

10 (3) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

11 (a) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT
12 ATTORNEYS' COUNCIL, OR THE DIRECTOR'S DESIGNEE, WHO IS THE CHAIR
13 OF THE TASK FORCE;

14 (b) AN ATTORNEY EMPLOYED BY THE OFFICE OF STATE PUBLIC
15 DEFENDER, WHO IS THE VICE-CHAIR OF THE TASK FORCE AND IS APPOINTED
16 BY THE STATE PUBLIC DEFENDER;

17 (c) AN ATTORNEY EMPLOYED BY, OR UNDER CONTRACT WITH, THE
18 OFFICE OF ALTERNATE DEFENSE COUNSEL, APPOINTED BY THE OFFICE OF
19 ALTERNATE DEFENSE COUNSEL;

20 (d) AN ATTORNEY WITHIN THE ANTITRUST UNIT OF THE ATTORNEY
21 GENERAL'S OFFICE, APPOINTED BY THE ATTORNEY GENERAL;

22 (e) ONE INFORMATION TECHNOLOGY PROFESSIONAL EMPLOYED BY
23 THE COLORADO DISTRICT ATTORNEYS' COUNCIL, AND ONE DISTRICT
24 ATTORNEY WHO HAS KNOWLEDGE OF ELECTRONIC DISCOVERY, APPOINTED
25 BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'
26 COUNCIL;

27 (f) AN INFORMATION TECHNOLOGY PROFESSIONAL EMPLOYED BY

1 THE OFFICE OF STATE PUBLIC DEFENDER, APPOINTED BY THE STATE PUBLIC
2 DEFENDER;

3 (g) ONE EMPLOYEE OF A SHERIFF'S OFFICE WHO HAS KNOWLEDGE
4 OF ELECTRONIC DISCOVERY, APPOINTED BY THE EXECUTIVE DIRECTOR OF
5 THE COUNTY SHERIFFS OF COLORADO;

6 (h) AN EMPLOYEE OF A POLICE DEPARTMENT WHO HAS
7 KNOWLEDGE OF ELECTRONIC DISCOVERY, APPOINTED BY THE COLORADO
8 ASSOCIATION OF THE CHIEFS OF POLICE;

9 (i) AN EMPLOYEE OF THE COLORADO STATE PATROL WHO HAS
10 KNOWLEDGE OF ELECTRONIC DISCOVERY, APPOINTED BY THE CHIEF OF THE
11 COLORADO STATE PATROL; AND

12 (j) A COUNTY COMMISSIONER WHO HAS KNOWLEDGE OF LOCAL
13 ELECTRONIC DISCOVERY COSTS AND LOCAL CONTRACTS RELATED TO
14 ELECTRONIC DISCOVERY, APPOINTED BY COLORADO COUNTIES,
15 INCORPORATED.

16 (4)(a) THE APPOINTING AUTHORITIES SHALL APPOINT MEMBERS TO
17 THE TASK FORCE WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS
18 SECTION AND PROMPTLY NOTIFY THE EXECUTIVE DIRECTOR OF THE
19 COLORADO DISTRICT ATTORNEYS' COUNCIL OF THE APPOINTMENT.

20 (b) THE MEMBERS APPOINTED TO THE TASK FORCE SERVE FOR THE
21 DURATION OF THE TASK FORCE.

22 (c) ANY VACANCY OCCURRING IN THE MEMBERSHIP OF THE TASK
23 FORCE MUST BE FILLED IN THE SAME MANNER AS THE ORIGINAL
24 APPOINTMENT.

25 (d) THE MEMBERS OF THE TASK FORCE SERVE ON THE TASK FORCE
26 WITHOUT COMPENSATION.

27 (5) THE TASK FORCE SHALL:

1 (a) HOLD ITS FIRST MEETING ON OR BEFORE JULY 1, 2025, AT A
2 TIME AND PLACE DETERMINED BY THE CHAIR OF THE TASK FORCE;

3 (b) MEET AT LEAST ONCE EVERY MONTH OR MORE OFTEN AS
4 DIRECTED BY THE CHAIR OF THE TASK FORCE;

5 (c) COMMUNICATE WITH AND OBTAIN INPUT FROM LAW
6 ENFORCEMENT AGENCIES, PROSECUTORS, AND DEFENSE ATTORNEYS
7 THROUGHOUT THE STATE AFFECTED BY THE ISSUES IDENTIFIED IN
8 SUBSECTION (6) OF THIS SECTION; AND

9 (d) CREATE SUBCOMMITTEES, AS NEEDED, TO CARRY OUT THE
10 DUTIES OF THE TASK FORCE. THE SUBCOMMITTEES MAY CONSIST, IN PART,
11 OF PERSONS WHO ARE NOT MEMBERS OF THE TASK FORCE AND WHO MAY
12 VOTE ON ISSUES BEFORE THE SUBCOMMITTEE BUT WHO ARE NOT ENTITLED
13 TO A VOTE AT TASK FORCE MEETINGS.

14 (6) THE TASK FORCE SHALL EXAMINE AND GATHER INFORMATION
15 REGARDING THE FOLLOWING:

16 (a) THE CURRENT CONTRACTS IN PLACE BETWEEN A LAW
17 ENFORCEMENT AGENCY, A DISTRICT ATTORNEY'S OFFICE, THE OFFICE OF
18 THE ATTORNEY GENERAL, THE OFFICE OF STATE PUBLIC DEFENDER, THE
19 OFFICE OF ALTERNATE DEFENSE COUNSEL, OR, IF AVAILABLE, PRIVATE
20 CRIMINAL DEFENSE ATTORNEYS AND A VENDOR FOR ELECTRONIC
21 DISCOVERY SERVICES AND INFORMATION TECHNOLOGY SERVICES, AND
22 INCLUDE THE FOLLOWING INFORMATION REGARDING EACH CONTRACT:

23 (I) THE LENGTH AND EXPIRATION DATE OF THE CONTRACT;

24 (II) THE COST OF THE CONTRACT;

25 (III) THE TERMS, CONTRACTED SERVICES, LICENSING
26 REQUIREMENTS, AND ANY OTHER KEY COMPONENT OF THE CONTRACT;

27 AND

1 (IV) THE EXPECTED FUTURE COSTS OF THE CONTRACT, IF KNOWN;

2 (b) THE AMOUNT AND TYPE OF INFORMATION PLACED INTO
3 ELECTRONIC DISCOVERY, INCLUDING:

4 (I) THE NUMBER, SIZE, AND TYPE OF FILES PLACED INTO THE
5 STATEWIDE ELECTRONIC DISCOVERY PORTAL THAT CAN BE FULLY
6 DOWNLOADED, ACCESSED, OR UTILIZED THROUGH THE ELECTRONIC
7 DISCOVERY PORTAL;

8 (II) THE NUMBER, SIZE, AND TYPE OF FILES THAT REQUIRE
9 PROSECUTION AND DEFENSE TO USE AN OUTSIDE VENDOR OR WEBSITE TO
10 FULLY DOWNLOAD, ACCESS, OR UTILIZE THE ELECTRONIC DISCOVERY
11 DOCUMENTS; AND

12 (III) THE NUMBER, SIZE, AND TYPE OF FILES THAT ARE PLACED ON
13 PHYSICAL INFORMATION TECHNOLOGY DEVICES SUCH AS FLASH DRIVES,
14 EXTERNAL HARD DRIVES, OR PHYSICAL COPIES IN ORDER FOR PROSECUTION
15 AND DEFENSE TO ACCESS AND UTILIZE THE ELECTRONIC DISCOVERY
16 DOCUMENTS;

17 (c) THE EXTENT TO WHICH PROSECUTORS, PUBLIC DEFENDERS,
18 ALTERNATE DEFENSE COUNSEL ATTORNEYS, PRIVATE DEFENSE
19 ATTORNEYS, AND PRO SE DEFENDANTS HAVE EQUITABLE ACCESS AND THE
20 ABILITY TO REVIEW AND UTILIZE ELECTRONIC DISCOVERY DOCUMENTS
21 COMPARED TO OTHER PROSECUTORS, PUBLIC DEFENDERS, ALTERNATE
22 DEFENSE COUNSEL ATTORNEYS, PRIVATE DEFENSE ATTORNEYS, AND PRO
23 SE DEFENDANTS, INCLUDING:

24 (I) THE TIME IT TAKES TO DOWNLOAD INFORMATION TO VIEW;

25 (II) THE ABILITY TO SEARCH DISCOVERY DOCUMENTS
26 ELECTRONICALLY;

27 (III) THE ABILITY TO SEE AUTOMATED TRANSCRIPTIONS, USE

1 ARTIFICIAL INTELLIGENCE TO GENERATE TRANSCRIPTIONS, OR USE ANY
2 OTHER TOOLS TO EXPEDITE REVIEW OF DISCOVERY DOCUMENTS; AND

3 (IV) THE ABILITY TO IDENTIFY WHICH OFFICER THE BODY CAMERA
4 FOOTAGE IS FROM OR THE ABILITY TO IDENTIFY WHERE ANOTHER SOURCE
5 OF VIDEO FOOTAGE WAS TAKEN FROM;

6 (d) HOW THE AMOUNT AND TYPE OF INFORMATION PLACED INTO
7 ELECTRONIC DISCOVERY HAS CHANGED SINCE THE CREATION OF THE
8 STATEWIDE ELECTRONIC DISCOVERY PORTAL AND, TO THE EXTENT
9 KNOWN, HOW ELECTRONIC DISCOVERY IS PROJECTED TO CHANGE OVER
10 THE NEXT TEN YEARS;

11 (e) THE FEASIBILITY OF CREATING A SYSTEM THAT WOULD MAKE
12 THE ELECTRONIC DISCOVERY PROCESS MORE EFFICIENT AND EQUITABLE,
13 AVOID OR MINIMIZE THE NEED FOR OUTSIDE VENDORS, AND BETTER
14 CONTROL COSTS;

15 (f) THE POSSIBLE COORDINATION OF LAW ENFORCEMENT
16 AGENCIES, PROSECUTING AGENCIES, THE OFFICE OF STATE PUBLIC
17 DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND PRIVATE
18 DEFENSE ATTORNEY CONTRACTS TO MAKE THE ELECTRONIC DISCOVERY
19 PROCESS MORE EFFICIENT AND EQUITABLE, AVOID OR MINIMIZE THE NEED
20 FOR OUTSIDE VENDORS, AND BETTER CONTROL COSTS;

21 (g) THE EXPECTED COSTS TO THE STATE, COUNTY, AND LOCAL
22 GOVERNMENT IF CHANGES ARE NOT MADE TO THE ELECTRONIC DISCOVERY
23 PROCESS OVER THE NEXT TEN YEARS; AND

24 (h) RECOMMENDATIONS, INCLUDING POSSIBLE LEGISLATION, THAT
25 WOULD ASSIST IN:

26 (I) CONTROLLING THE COST OF ELECTRONIC DISCOVERY,
27 INCLUDING WHAT CONTRACT OR STATUTORY CHANGES ARE NEEDED TO

1 ALLOW FOR COORDINATED CONTRACT NEGOTIATION AND PAYMENT TO
2 VENDORS BY THE STATE AND LOCAL GOVERNMENTS;

3 (II) ENSURING THE FLOW OF ELECTRONIC DISCOVERY FROM ONE
4 ENTITY TO ANOTHER;

5 (III) WORK EFFICIENCY, INCLUDING SAVING TIME FOR EMPLOYEES
6 WHO CREATE OR USE ELECTRONIC DISCOVERY;

7 (IV) PROVIDING EQUITABLE ACCESS TO AND USE OF ELECTRONIC
8 DISCOVERY WHILE PROTECTING THE WORK PRODUCT AND MENTAL
9 PROCESSES OF PROSECUTION AND DEFENSE; AND

10 (V) CONSIDERING PROCEDURAL CHANGES TO EXISTING STATUTES;
11 COLORADO RULES OF CRIMINAL PROCEDURE; OR PRACTICES RELATED TO
12 THE DISCOVERY OBLIGATIONS OF PROSECUTION, DEFENSE, AND LAW
13 ENFORCEMENT AGENCIES TO IMPROVE DISCOVERY COMPLIANCE AND
14 PROCESSES.

15 (7) (a) LAW ENFORCEMENT AGENCIES, DISTRICT ATTORNEYS'
16 OFFICES, THE OFFICE OF THE ATTORNEY GENERAL, THE OFFICE OF STATE
17 PUBLIC DEFENDER, AND THE OFFICE OF ALTERNATE DEFENSE COUNSEL
18 SHALL SHARE INFORMATION REQUESTED BY THE TASK FORCE REGARDING
19 CONTRACTS, VENDORS, THE ELECTRONIC DISCOVERY PROCESS, AND COSTS
20 BUT SHALL NOT SHARE INFORMATION THAT WOULD VIOLATE STATE OR
21 FEDERAL LAWS, REGULATIONS, OR RULES OR THAT WOULD VIOLATE THE
22 RIGHTS OF A PERSON INVOLVED IN A CRIMINAL CASE.

23 (b) THE ENTITIES SPECIFIED IN SUBSECTION (7)(a) OF THIS SECTION
24 SHALL RESPOND TO REQUESTS FROM THE TASK FORCE FOR INFORMATION
25 PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION IN GOOD FAITH AND
26 PROVIDE INFORMATION WITHIN A REASONABLE TIME.

27 (8) ON OR BEFORE NOVEMBER 1, 2025, THE TASK FORCE SHALL

1 SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE AND THE JOINT
2 TECHNOLOGY COMMITTEE THAT, AT A MINIMUM, DESCRIBES THE
3 FOLLOWING:

4 (a) THE WORK AND STUDY OF THE TASK FORCE;

5 (b) THE FINDINGS AND RECOMMENDATIONS REGARDING THE
6 ISSUES AND TOPICS CONSIDERED BY THE TASK FORCE AS DESCRIBED IN
7 SUBSECTION (6) OF THIS SECTION; AND

8 (c) LEGISLATIVE PROPOSALS AND EXPECTED RELATED COSTS
9 BASED ON THE TASK FORCE'S FINDINGS AND RECOMMENDATIONS.

10 (9) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2027.

11 **SECTION 2. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.