



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1275: FORENSIC SCIENCE INTEGRITY

#### Prime Sponsors:

Rep. Soper; Zokaie  
Sen. Weissman; Frizell

#### Fiscal Analyst:

Aaron Carpenter, 303-866-4918  
aaron.carpenter@coleg.gov

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**Fiscal note status:** This revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee. It has also been revised to reflect new information.

### 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 increase required General Fund appropriations to the Judicial Department by \$440,443. It is assumed that \$140,443 should be appropriate in this bill and that \$300,000 will be included in the FY 2025-26 Long Bill. See State Appropriations section for detail.

**Table 1**  
**State Fiscal Impacts**

Type of Impact <sup>1</sup>	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures <sup>2</sup>	\$465,375	\$565,432
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$7,473
Change in State FTE	1.1 FTE	2.0 FTE

<sup>1</sup> Fund sources for these impacts are shown in the table below.

<sup>2</sup> This amount includes \$300,000 that is assumed to be appropriated through the Long Bill; therefore, only \$140,443 should be appropriated through this bill.

**Table 1A**  
**State Expenditures**

<b>Fund Source</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
General Fund	\$440,443	\$520,579
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$24,932	\$44,853
<b>Total Expenditures</b>	<b>\$465,375</b>	<b>\$565,432</b>
<b>Total FTE</b>	<b>1.1 FTE</b>	<b>2.0 FTE</b>

## 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 7 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, when parties to the case must be notified of investigations, and requires the director to submit a final written report at the conclusion of each investigation to affected district attorneys.

### Wrongful Actions Between July 1, 2014, and July 1, 2025

The bill requires a final report of any investigations concerning wrongful action that brought criminal allegations against an employee between July 10, 2014, and July 1, 2025, be submitted to all district attorneys by September 1, 2025.

### 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 and Assumptions

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In response to testing anomalies identified in a former CBI DNA analyst's work, 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 affected cases. Since that time, according to this [Supplemental Budget Request](#), CBI has reduced the number to 1,003 cases affected by the analyst's misconduct. It is currently unknown how many of these cases resulted in conviction.

In addition to the \$7.4 million, the Joint Budget Committee has included \$300,000 in the Long Bill for indigent defense in order to provide post-conviction relief related to testing anomalies. Because it is unknown how many cases could end up in court, the fiscal note uses the \$300,000 appropriation as a benchmark for the minimum costs that may occur in the future.

## State Expenditures

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The bill increases state General Fund expenditures by \$465,000 in FY 2025-26, and \$565,000 in FY 2026-27 and ongoing. These costs will be incurred in the Judicial Department and offices that represent indigent offenders, as shown in Table 2 and described in the sections below.

**Table 2**  
**State Expenditures**  
**All Departments**

<b>Department</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Judicial Department	\$165,375	\$265,432
Indigent Defense <sup>1</sup>	\$300,000	\$300,000
<b>Total Costs</b>	<b>\$465,375</b>	<b>\$565,432</b>

<sup>1</sup> A \$300,000 appropriation is included in the Long Bill for agencies representing indigent offenders.

## **Judicial Department**

By creating a new timeline for post-conviction relief, the bill increases expenditures in the trial courts to hold additional trials, as shown in Table 2A and discussed below.

### **Staff**

The trial courts require at least 1.5 FTE starting in FY 2025-26 until cases involving current anomalies exhaust their post-conviction remedies. This includes at least 0.5 FTE magistrates and 1.5 FTE support staff at a 1:3 ratio. Costs include standard capital and operating costs, as well as additional operating costs of \$4,720 per magistrate. Costs are also prorated for a January 1 start date to provide time for the final report to be finalized by September and for district attorneys and defense to provide necessary notifications and conduct necessary discoveries. Actual expenditures will depend on the number of cases filed for post-conviction relief, and any additional resources will be requested through the annual budget process.

**Table 2A**  
**State Expenditures**  
**Judicial Department**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Personal Services	\$121,142	\$215,119
Operating Expenses	\$2,461	\$4,260
Capital Outlay Costs	\$16,840	\$1,200
Centrally Appropriated Costs	\$24,932	\$44,853
<b>Total Costs</b>	<b>at least \$165,375</b>	<b>at least \$265,432</b>
<b>Total FTE</b>	<b>at least 1.1 FTE</b>	<b>at least 2.0 FTE</b>

## Indigent Defense

The bill increases expenditures in the Office of the State Public Defender—and potentially 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.

As discussed in the Background and Assumptions section, the fiscal note assumes \$300,000 is required by OSPD until cases involving current anomalies exhaust their post-conviction remedies. The fiscal note assumes that the offices will request additional funding through the annual budget process if necessary.

**Table 2B**  
**State Expenditures**  
**Office of the State Public Defender**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Indigent Defense	\$300,000	\$300,000
<b>Total Costs</b>	<b>\$300,000</b>	<b>\$300,000</b>

## Department of Public Safety

The bill increases workload in the Department of Public Safety to meet the required deadlines in the bill. Because the department already has a team to respond to allegations of misconduct, the fiscal note assumes the department can meet the required timelines when future cases emerge within existing resources.

## 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.

## Local Government

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Expenditures and workload for 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

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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

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For FY 2025-26, the bill requires a General Fund appropriation of \$140,443 to the Judicial Department, and 1.1 FTE.

For FY 2025-26, the bill increases required General Fund appropriations to the Office of the State Public Defender by \$300,000. It is assumed that appropriation will be made in the FY 2025-26 Long Bill, rather than in this bill.

## Departmental Difference

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The Judicial Department estimates costs of \$3.0 million per year starting in FY 2025-26. 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 the minimum costs that may occur as it is unknown of how many cases will file for post-conviction relief. In addition, the fiscal note does not include costs for civil cases as the bill does not contemplate a new civil process and these cases may already occur under current law.

## State and Local Government Contacts

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Corrections	Law
District Attorneys	Personnel
Judicial	Public Safety

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).