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SENATE BILL 25-304

BY SENATOR(S) Weissman, Amabile, Ball, Bridges, Carson, Catlin, Cutter, Danielson, Daugherty, Exum, Frizell, Gonzales J., Hinrichsen, Jodeh, Kipp, Kirkmeyer, Liston, Lundeen, Michaelson Jenet, Mullica, Rodriguez, Snyder, Sullivan, Wallace, Winter F., Coleman;
also REPRESENTATIVE(S) Willford and Froelich, Bacon, Bird, Boesenecker, Brown, Camacho, Carter, Clifford, Duran, English, Espenosa, Garcia, Gilchrist, Gonzalez R., Hamrick, Jackson, Joseph, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Marshall, Mauro, McCormick, Paschal, Phillips, Ricks, Rutinel, Rydin, Sirota, Smith, Stewart K., Stewart R., Story, Titone, Valdez, Woodrow, Zokaie, McCluskie.

CONCERNING MEASURES TO ADDRESS THE SEXUAL ASSAULT KIT TESTING
BACKLOG, AND, IN CONNECTION THEREWITH, MAKING AN
APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** part 14 to article 31 of title 24 as follows:

PART 14
COLORADO SEXUAL ASSAULT

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

FORENSIC MEDICAL EVIDENCE REVIEW BOARD

24-31-1401. Colorado sexual assault forensic medical evidence review board - creation - membership - duties - report - short title - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF LAW.

(b) "REVIEW BOARD" MEANS THE COLORADO SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE REVIEW BOARD, ESTABLISHED IN SUBSECTION (2) OF THIS SECTION.

(2) THE COLORADO SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE REVIEW BOARD IS ESTABLISHED IN THE DEPARTMENT TO CARRY OUT THE DUTIES DESCRIBED IN SUBSECTION (6) OF THIS SECTION AND SUBMIT THE REPORT DESCRIBED IN SUBSECTION (7) OF THIS SECTION.

(3) THE BOARD CONSISTS OF:

(a) THE ATTORNEY GENERAL, OR THEIR DESIGNEE, WHO IS THE CHAIR OF THE REVIEW BOARD;

(b) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS' COUNCIL OR THEIR DESIGNEE;

(c) THE FOLLOWING MEMBERS, APPOINTED BY THE ATTORNEY GENERAL:

(I) A REPRESENTATIVE OF A STATEWIDE NONPROFIT ORGANIZATION THAT OFFERS TRAINING AND EXPERT ADVICE TO SEXUAL ASSAULT PROGRAMS;

(II) A REPRESENTATIVE OF A STATEWIDE NONPROFIT ORGANIZATION THAT PROVIDES LEGAL ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT;

(III) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT PROVIDES TRAINING AND TECHNICAL ASSISTANCE FOR MEDICAL FORENSIC EXAMS;

(IV) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF CHIEFS OF POLICE;

(V) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF SHERIFFS;

(VI) THREE REPRESENTATIVES FROM ORGANIZATIONS THAT PROVIDE SERVICES OR ADVOCATE FOR COMMUNITIES THAT EXPERIENCE DISPROPORTIONATE RATES OF SEXUAL ASSAULT; AND

(VII) UP TO THREE MEMBERS, AT THE DISCRETION OF THE ATTORNEY GENERAL, WHOSE CONTRIBUTIONS THE ATTORNEY GENERAL DETERMINES WOULD BE VALUABLE TO THE WORK OF THE REVIEW BOARD; AND

(d) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(I) A REPRESENTATIVE OF THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY WHO HAS OVERSIGHT OF THE STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT TRACKING SYSTEM CREATED IN SECTION 24-33.5-113.5; AND

(II) A REPRESENTATIVE OF THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY WHO HAS OVERSIGHT OF FEDERAL AND STATE VICTIM SERVICE FUNDING AND VICTIM RIGHTS COMPLIANCE.

(4)(a) THE ATTORNEY GENERAL AND GOVERNOR SHALL APPOINT THE MEMBERS TO THE REVIEW BOARD ON OR BEFORE AUGUST 1, 2025.

(b) THE ATTORNEY GENERAL IS STRONGLY ENCOURAGED TO APPOINT REVIEW BOARD MEMBERS WHO REPRESENT AS FULLY AS POSSIBLE COLORADO'S DIVERSITY WITH REGARD TO RACE, ETHNICITY, DISABILITY STATUS, SEXUAL ORIENTATION, AND GEOGRAPHY.

(c) EXCEPT FOR THE ATTORNEY GENERAL AND DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS' COUNCIL, OR THEIR DESIGNEES, REVIEW BOARD MEMBERS SERVE FOUR-YEAR TERMS AND ARE ELIGIBLE FOR REAPPOINTMENT NO MORE THAN TWO TIMES AT THE EXPIRATION OF A FOUR-YEAR TERM.

(d) REVIEW BOARD MEMBERS SERVE WITHOUT COMPENSATION BUT MAY RECEIVE PER DIEM AND REIMBURSEMENT FOR COSTS, SUBJECT TO THE

AVAILABILITY OF FUNDS.

(e) THE APPOINTING AUTHORITY SHALL APPOINT A MEMBER TO FILL A VACANCY, AS NECESSARY.

(5) THE REVIEW BOARD SHALL CONVENE ON OR BEFORE AUGUST 1, 2025, AND SHALL MEET THEREAFTER AS DETERMINED NECESSARY BY THE REVIEW BOARD.

(6) THE REVIEW BOARD SHALL:

(a) REVIEW AND MONITOR THE EFFECTIVENESS OF THE CURRENT PROTOCOLS, STANDARDS, AND TRAINING PRACTICES FOR THE MEDICAL, LAW ENFORCEMENT, AND CRIMINAL-LEGAL SYSTEM RESPONSE TO SEXUAL ASSAULT;

(b) DEVELOP RECOMMENDATIONS TO IMPROVE SPECIFIC PROTOCOLS, STANDARDS, AND TRAINING PRACTICES FOR THE MEDICAL, LAW ENFORCEMENT, AND CRIMINAL-LEGAL SYSTEM RESPONSE TO SEXUAL ASSAULT;

(c) ENSURE VICTIM-CENTERED IMPLEMENTATION OF PROVISIONS REGARDING MEDICAL FORENSIC EXAMS FOR VICTIMS OF SEXUAL ASSAULT IN THE FEDERAL "VIOLENCE AGAINST WOMEN ACT OF 1994", TITLE IV OF PUB. L. 103-322, INCLUDING PROVISIONS IN REAUTHORIZATIONS OF THE FEDERAL ACT, AND STATE LAW PROVISIONS FOR FORENSIC MEDICAL EXAMS;

(d) PROVIDE ONGOING REVIEW OF DATA AND INFORMATION REGARDING THE NEEDS, PRIORITIES, AND SERVICES FOR RESPONDING TO SEXUAL ASSAULT THROUGHOUT THE STATE;

(e) MONITOR THE EFFECTIVENESS OF LAWS CONCERNING SEXUAL ASSAULT AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY TO IMPROVE THEIR EFFECTIVENESS; AND

(f) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING THE RESPONSE TO SEXUAL ASSAULT, INCLUDING MEDICAL FORENSIC EVIDENCE, LAW ENFORCEMENT REPORTING, AND VICTIM EXPERIENCE.

(7) (a) (I) ON OR BEFORE DECEMBER 15, 2025, THE REVIEW BOARD SHALL SUBMIT A PRELIMINARY REPORT TO THE GENERAL ASSEMBLY. THE PRELIMINARY REPORT MUST INCLUDE THE REVIEW BOARD'S RECOMMENDATIONS DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(II) THIS SUBSECTION (7)(a) IS REPEALED, EFFECTIVE JUNE 30, 2027.

(b) (I) ON OR BEFORE NOVEMBER 1, 2026, AND ON OR BEFORE EACH NOVEMBER 1 THEREAFTER, THE REVIEW BOARD SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY. THE REPORT MUST INCLUDE THE REVIEW BOARD'S RECOMMENDATIONS DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (7)(b) CONTINUES INDEFINITELY.

(8) THE SHORT TITLE OF THIS PART 14 IS THE "MIRANDA GORDON JUSTICE FOR SURVIVORS ACT OF 2025".

SECTION 2. In Colorado Revised Statutes, 24-4.1-302.5, **amend** (1)(b.8) introductory portion; and **add** (1)(b.8)(II.5) as follows:

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

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

(II.5) NOTWITHSTANDING SUBSECTION (1)(b.8)(II) OF THIS SECTION, THE RIGHT TO BE NOTIFIED EVERY NINETY DAYS BY THE LAW ENFORCEMENT AGENCY WHEN THE LAW ENFORCEMENT AGENCY HAS NOT YET RECEIVED THE RESULTS OF THE MEDICAL FORENSIC EVIDENCE DNA ANALYSIS FROM THE ACCREDITED CRIME LABORATORY. A LAW ENFORCEMENT AGENCY COMPLIES WITH THIS SUBSECTION (1)(b.8)(II.5) BY NOTIFYING ALL VICTIMS REQUIRED TO BE NOTIFIED AT THE SAME TIME DURING THE FIRST WEEK OF EACH OF MARCH, JUNE, SEPTEMBER, AND DECEMBER.

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

24-33.5-113. Forensic medical evidence in sexual assault cases - rules - testing - confidentiality - definition. (6) (a) UPON SUBMISSION OF FORENSIC MEDICAL EVIDENCE TO AN ACCREDITED CRIME LABORATORY, THE ACCREDITED CRIME LABORATORY MUST ENDEAVOR, SUBJECT TO AVAILABLE CAPACITY, FUNDING, AND PERSONNEL, TO ANALYZE AND, WHEN APPROPRIATE, UPLOAD THE INFORMATION INTO THE COMBINED DNA INDEX SYSTEM WITHIN SIXTY DAYS AFTER RECEIPT OF THE FORENSIC MEDICAL EVIDENCE.

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

SECTION 4. In Colorado Revised Statutes, 24-33.5-113.5, **amend** (4)(a) introductory portion as follows:

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

SECTION 5. In Colorado Revised Statutes, section 24-33.5-432, **amend as added by Senate Bill 25-170** (4)(c) and (4)(d) as follows:

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

(c) (I) Design and implement, within ninety days after the effective date of this section, a public-facing dashboard on the department of public safety's website that provides reports on the forensic medical evidence and ~~sexual assault kit~~ DNA EVIDENCE backlogs, including the: ~~total caseload~~

~~numbers subject to the backlog, total fiscal year caseload numbers subject to the backlog, the number of forensic medical evidence tests and sexual assault kit tests completed in the previous thirty days, the number of new cases received within the previous thirty days, and the current average turnaround times to conduct a forensic medical evidence test or a sexual assault kit test. The department shall update the dashboard at least every thirty days.~~

- (A) TOTAL CASELOAD NUMBERS SUBJECT TO THE BACKLOG;
- (B) TOTAL FISCAL YEAR CASELOAD NUMBERS SUBJECT TO THE BACKLOG;
- (C) TOTAL NUMBER OF CASES WITH PENDING DNA EVIDENCE TESTS;
- (D) TOTAL NUMBER OF SEXUAL ASSAULT CASES;
- (E) TOTAL NUMBER OF CASES WITH A PENDING DNA EVIDENCE SAMPLE COLLECTED WITH ATTACHED OR INDEPENDENTLY SUBMITTED FORENSIC MEDICAL EVIDENCE;
- (F) TOTAL OF NUMBER OF CASES WITH A PENDING DNA EVIDENCE SAMPLE COLLECTED FROM A CRIME SCENE INVOLVING SEXUAL ASSAULT FOR WHICH NO FORENSIC MEDICAL EVIDENCE HAS BEEN SUBMITTED;
- (G) CURRENT AVERAGE TURNAROUND TIME FOR A DNA EVIDENCE TEST;
- (H) CURRENT AVERAGE TURNAROUND TIME FOR A FORENSIC MEDICAL EVIDENCE TEST;
- (I) TOTAL NUMBER OF TESTS THAT THE COLORADO BUREAU OF INVESTIGATION HAS COMPLETED IN THE PREVIOUS THIRTY DAYS;
- (J) TOTAL NUMBER OF TESTS THAT LABORATORIES WITH WHICH THE COLORADO BUREAU OF INVESTIGATION HAS CONTRACTED HAVE COMPLETED IN THE PREVIOUS THIRTY DAYS;
- (K) TOTAL NUMBER OF NEW DNA TESTS AND FORENSIC MEDICAL EVIDENCE TESTS RECEIVED WITHIN THE PREVIOUS THIRTY DAYS;

(L) ANTICIPATED TIMELINE FOR THE COLORADO BUREAU OF INVESTIGATION TO ACHIEVE AN AVERAGE NINETY-DAY TURNAROUND TIME FOR FORENSIC MEDICAL EVIDENCE TESTS;

(M) INFORMATION CONCERNING THE COLORADO BUREAU OF INVESTIGATION'S LAB ANALYST STAFFING LEVELS; AND

(N) THE INFORMATION REQUIRED PURSUANT TO SECTION 24-33.5-113.5 (4).

(II) THE DEPARTMENT SHALL UPDATE THE DASHBOARD AT LEAST EVERY THIRTY DAYS.

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

(I) ~~The total number of cases with pending forensic medical evidence tests;~~ THE INFORMATION REQUIRED PURSUANT TO SUBSECTION (4)(c) OF THIS SECTION; AND

(II) ~~The total number of cases with pending sexual assault kit tests;~~ INFORMATION OR UPDATES ON DIFFICULTIES CONTRACTING WITH EXTERNAL LABS THAT MAY AFFECT THE BUREAU'S ANTICIPATED TESTING CAPACITY, VOLUME, TURNAROUND EXPECTATIONS, OR OTHER INFORMATION EXPLAINING WHY THE RESULTS VARY FROM THE PROJECTED CASELOAD TIMELINE REFLECTED IN THE FEBRUARY 10, 2025, BUREAU WHITEPAPER DOCUMENT PROVIDED TO THE GENERAL ASSEMBLY.

(III) ~~The current average turnaround time for a forensic medical test;~~

(IV) ~~The current average turnaround time for a sexual assault kit test;~~

(V) ~~The number of tests the bureau's internal lab has completed in the previous thirty days;~~

(VI) ~~The number of tests external contracted labs have completed in the previous thirty days;~~

~~(VII) The anticipated timeline for the bureau to achieve an average ninety-day turnaround time for sexual assault kit tests;~~

~~(VIII) Updates on the bureau's lab analyst staffing levels; and~~

~~(IX) Information or updates on difficulties contracting with external labs that may affect the bureau's anticipated testing capacity, volume, turnaround expectations, or other information explaining why the results vary from the projected caseload timeline reflected in the February 10, 2025, bureau whitepaper document provided to the general assembly.~~

SECTION 6. Appropriation. (1) For the 2025-26 state fiscal year, \$112,365 is appropriated to the department of law for use by the administration division. This appropriation is from the general fund. To implement this act, the division may use this appropriation as follows:

(a) \$103,115 for personal services, which amount is based on an assumption that the division will require an additional 1.0 FTE; and

(b) \$9,250 for operating expenses.

SECTION 7. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO