Fiscal Note

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SB 25-304: MEASURES TO ADDRESS SEXUAL ASSAULT KIT BACKLOG

Prime Sponsors:
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Published for: Senate Appropriations
Drafting number: LLS 25-0780

Version: First Revised Note
Date: April 24, 2025

Fiscal note status: This revised fiscal note reflects the introduced bill, as amended by the Senate Judiciary Committee. It has been updated to reflect information provided by the Department of Public Safety.

Summary Information

Overview. The bill creates a grant program and establishes other requirements regarding sexual assault kits.

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 $150,000 to the Department of Public Safety.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	$0	$0
State Expenditures (General Fund)	$150,000	$150,000
Transferred Funds	$0	$0
Change in TABOR Refunds	$0	$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill creates a grant program to fund an independent sexual assault kit coordinator (coordinator) position in the Colorado Bureau of Investigation (CBI) in the Department of Public Safety (CDPS). To receive the grant, an organization must submit an application showing that the organization has been engaged in related public policy work for at least 10 years. The bill sets the grant amount at $150,000, subject to available appropriations. The coordinator is tasked with providing annual reports to the General Assembly regarding specific criteria relating to the state's capacity to complete sexual assault kit tests.

The bill also:

- creates a notification requirement under the Victim Rights Act that requires a law enforcement agency to notify a victim at least once every 90 days if the law enforcement agency has not received the results of the forensic medical evidence DNA analysis from an accredited crime laboratory;

- requires an accredited crime laboratory to endeavor to analyze forensic medical evidence within 60 days after its receipt; and

- expands existing reporting requirements concerning forensic medical evidence in sexual assault cases so that each member of the General Assembly receives a report twice each year and the report includes information concerning the average amount of time between receipt and completed analysis of sexual assault evidence collection kits.

State Expenditures

The bill increases state expenditures in the Department of Public Safety by $150,000 in FY 2025-26 and future years, paid from the General Fund.

Sexual Assault Kit Coordinator Grant

CDPS will issue one grant for $150,000 on July 1, 2025, and each year thereafter, subject to available appropriations. The grant will fund an independent sexual assault kit coordinator as required by the bill. Workload will increase for CDPS to administer the grant; however, the fiscal note assumes that given the narrow scope of the grant, no change in appropriations is required.

Processing Sexual Assault Kits and Reporting

Workload in the CDPS will increase to comply with the bill's provisions regarding processing sexual assault kits and required reporting to the General Assembly. The bill only requires that accredited crime labs endeavor to process evidence within 60 days, and the fiscal note assumes that the CDPS will comply with this requirement as it is able to do so within existing resources. For the expanded reporting requirements, the fiscal note assumes that the net increase in workload is minimal. Overall, no change in appropriations is required for these efforts.

Local Government

The bill increases workload for district attorneys related to their involvement in sexual assault cases. It also increases workload for local law enforcement agencies for their duties regarding sexual assault cases, and increases workload for accredited crime labs operated by local governments. The exact impact will vary by jurisdiction depending on how many cases occur.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2025-26, the bill requires a General Fund appropriation of $150,000 to the Department of Public Safety.

Departmental Difference

The CDPS estimates the bill increases its costs by about $3 million and 20.2 FTE in FY 2025-26 and future years, paid from the General Fund. This estimate is based on the assumption that the bill's language regarding the 60-day analysis timeframe for forensic medical evidence will create an expectation that the CBI must analyze such evidence within 60 days. To comply with this timeline, the CBI estimates that it will need to hire additional staff. The additional staff is based on the staffing level for a comparable state crime lab with a similar analysis timeline compared to the current staffing level of the CBI's lab.

The fiscal note acknowledges that workload and staffing would increase for the CBI to meet the 60-day timeframe. However, the language in the bill encourages, but does not require, the CBI to process evidence within 60 days. The fiscal note assumes that this language does not create an enforceable, legal obligation to analyze forensic evidence within a certain period of time. Thus, the bill does not require an increase in appropriations to the CBI to ensure that this goal is met.

Generally, overall funding levels for agencies to improve performance and meet encouraged goals are best addressed through the annual budget process. This bill has the primary purpose of creating a new grant program. Based on this, the fiscal note only indicates that an appropriation is required for the grant program. The General Assembly, at its discretion, may appropriate additional funding to the CBI through other means to ensure that testing is done within the encouraged timeframe.

State and Local Government Contacts

Judicial   Public Safety

Law