

JBC Staff Fiscal Analysis

House Appropriations Committee

Concerning misconduct by crime laboratory employees, and, in connection therewith, requiring a crime laboratory employee to report misconduct, requiring notifying criminal defendants and victims of misconduct, and creating a process for a person to seek post-conviction relief based on a claim of misconduct by a crime laboratory employee.

Prime Sponsors:

Representatives Soper; Zokaie
Senators Weissman; Frizell

Date Prepared:

April 9, 2025

JBC Analyst:

Alfredo Kemm, 303-866-4549

Fiscal Impacts

Appropriation Required, Amendments in Packet

General Fund Impact

Fiscal Note Status

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/07/25.

No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill. The appropriation identified in the Revised Fiscal Note for the Office of State Public Defender is included in the Long Bill.

Amendments in This Packet

J.001	Staff-prepared appropriation amendment
L.004	Sponsor amendment – does not change fiscal impact
L.005	Sponsor amendment – does not change fiscal impact

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001

Staff amendment **J.001** (attached) appropriates a total of \$140,443 General Fund to the Judicial Department for FY 2025-26. The appropriation reflects 1.1 FTE.

L.004

Sponsor amendment **L.004** (attached) allows the custodian of a final report to deny inspection of the report while there is an ongoing criminal investigation or criminal case against a crime laboratory employee. Provides that the final report must be open for public inspection upon adjudication of the wrongful action. Legislative Council Staff and JBC Staff agree that this amendment does not change the fiscal impact.

L.005

Sponsor amendment **L.005** (attached) adds reporting requirements as part of the SMART Act presentations about cases related to wrongful action by a crime lab for the Judicial Department (State Courts), Office of State Public Defender, Office of Alternate Defense Counsel, and the Department of Law. Requires DAs to provide the State Court Administrator's Office information necessary for the Judicial Department to make their report. Legislative Council Staff and JBC Staff agree that this amendment imposes a reporting requirement for data that can be collected through agency processes and therefore does not change the fiscal impact.

The Committee should adopt J.001 and may adopt either or both L.004 and L.005.

Points to Consider

General Fund Impact

The Joint Budget Committee has proposed a budget package for FY 2025-26 based on the March 2025 Office of State Planning and Budgeting (OSPB) revenue forecast. The budget package includes \$18.2 million in set-asides for legislation outside of the package (see table below). The budget package accounts for the 15.0 percent reserve associated with the placeholders.

General Fund Appropriation Placeholders for Other 2025 Legislation	
Description	FY 2025-26 Appropriation
Juvenile diversion, deflection, or detention	\$10,000,000
General Assembly legislative priorities	6,521,739
Voter approved initiatives	1,700,000
Total	\$18,221,739

This bill requires a General Fund appropriation of \$140,443 for FY 2025-26, reducing the \$18.2 million set aside by the same amount.