

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 25-0780.02 Jacob Baus x2173

SENATE BILL 25-304

SENATE SPONSORSHIP

Weissman,

HOUSE SPONSORSHIP

Willford and Froelich,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

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

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>.)

The bill creates a grant program to fund an independent sexual assault kit coordinator (coordinator) position. 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 Colorado bureau of investigation administers the grant program.

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.*

SENATE
Amended 2nd Reading
May 1, 2025

The bill 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.

The bill requires an accredited crime laboratory to endeavor to analyze forensic medical evidence within 60 days after its receipt.

The bill 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.

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

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

4 PART 14

5 COLORADO SEXUAL ASSAULT

6 FORENSIC MEDICAL EVIDENCE REVIEW BOARD

7 24-31-1401. Colorado sexual assault forensic medical evidence
8 review board - creation - membership - duties - report - definitions
9 - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

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

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

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

1 (3) THE BOARD CONSISTS OF:

2 (a) THE ATTORNEY GENERAL, OR THEIR DESIGNEE, WHO IS THE

3 CHAIR OF THE REVIEW BOARD;

4 (b) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT

5 ATTORNEYS' COUNCIL OR THEIR DESIGNEE;

6 (c) THE FOLLOWING MEMBERS, APPOINTED BY THE ATTORNEY

7 GENERAL:

8 (I) A REPRESENTATIVE OF A STATEWIDE NONPROFIT ORGANIZATION

9 THAT OFFERS TRAINING AND EXPERT ADVICE TO SEXUAL ASSAULT

10 PROGRAMS;

11 (II) A REPRESENTATIVE OF A STATEWIDE NONPROFIT

12 ORGANIZATION THAT PROVIDES LEGAL ASSISTANCE TO VICTIMS OF SEXUAL

13 ASSAULT;

14 (III) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT

15 PROVIDES TRAINING AND TECHNICAL ASSISTANCE FOR MEDICAL FORENSIC

16 EXAMS;

17 (IV) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF CHIEFS

18 OF POLICE;

19 (V) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF

20 SHERIFFS;

21 (VI) THREE REPRESENTATIVES FROM ORGANIZATIONS THAT

22 PROVIDE SERVICES OR ADVOCATE FOR COMMUNITIES THAT EXPERIENCE

23 DISPROPORTIONATE RATES OF SEXUAL ASSAULT; AND

24 (VII) UP TO THREE MEMBERS, AT THE DISCRETION OF THE

25 ATTORNEY GENERAL, WHOSE CONTRIBUTIONS THE ATTORNEY GENERAL

26 DETERMINES WOULD BE VALUABLE TO THE WORK OF THE REVIEW BOARD;

27 AND

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

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

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

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

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

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

20 (d) REVIEW BOARD MEMBERS SERVE WITHOUT COMPENSATION BUT
21 MAY RECEIVE PER DIEM AND REIMBURSEMENT FOR COSTS, SUBJECT TO THE
22 AVAILABILITY OF FUNDS.

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

25 (5) THE REVIEW BOARD SHALL CONVENE ON OR BEFORE AUGUST
26 1, 2025, AND SHALL MEET THEREAFTER AS DETERMINED NECESSARY BY
27 THE REVIEW BOARD.

1 (6) THE REVIEW BOARD SHALL:

2 (a) REVIEW AND MONITOR THE EFFECTIVENESS OF THE CURRENT

3 PROTOCOLS, STANDARDS, AND TRAINING PRACTICES FOR THE MEDICAL,

4 LAW ENFORCEMENT, AND CRIMINAL-LEGAL SYSTEM RESPONSE TO SEXUAL

5 ASSAULT;

6 (b) DEVELOP RECOMMENDATIONS TO IMPROVE SPECIFIC

7 PROTOCOLS, STANDARDS, AND TRAINING PRACTICES FOR THE MEDICAL,

8 LAW ENFORCEMENT, AND CRIMINAL-LEGAL SYSTEM RESPONSE TO SEXUAL

9 ASSAULT;

10 (c) ENSURE VICTIM-CENTERED IMPLEMENTATION OF PROVISIONS

11 REGARDING MEDICAL FORENSIC EXAMS FOR VICTIMS OF SEXUAL ASSAULT

12 IN THE FEDERAL "VIOLENCE AGAINST WOMEN ACT OF 1994", TITLE IV OF

13 PUB. L. 103-322, INCLUDING PROVISIONS IN REAUTHORIZATIONS OF THE

14 FEDERAL ACT, AND STATE LAW PROVISIONS FOR FORENSIC MEDICAL

15 EXAMS;

16 (d) PROVIDE ONGOING REVIEW OF DATA AND INFORMATION

17 REGARDING THE NEEDS, PRIORITIES, AND SERVICES FOR RESPONDING TO

18 SEXUAL ASSAULT THROUGHOUT THE STATE;

19 (e) MONITOR THE EFFECTIVENESS OF LAWS CONCERNING SEXUAL

20 ASSAULT AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY TO

21 IMPROVE THEIR EFFECTIVENESS; AND

22 (f) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY

23 CONCERNING THE RESPONSE TO SEXUAL ASSAULT, INCLUDING MEDICAL

24 FORENSIC EVIDENCE, LAW ENFORCEMENT REPORTING, AND VICTIM

25 EXPERIENCE.

26 (7) (a) (I) ON OR BEFORE DECEMBER 15, 2025, THE REVIEW BOARD

27 SHALL SUBMIT A PRELIMINARY REPORT TO THE GENERAL ASSEMBLY. THE

1 PRELIMINARY REPORT MUST INCLUDE THE REVIEW BOARD'S
2 RECOMMENDATIONS DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

3 (II) THIS SUBSECTION (7)(a) IS REPEALED, EFFECTIVE JUNE 30,
4 2027.

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

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

13 **SECTION 2.** In Colorado Revised Statutes, 24-4.1-302.5, **add**
14 (1)(b.8)(II.5) as follows:

15 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
16 order to preserve and protect a victim's rights to justice and due process,
17 each victim of a crime has the following rights:

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

23 (II.5) NOTWITHSTANDING SUBSECTION (1)(b.8)(II) OF THIS
24 SECTION, THE RIGHT TO BE NOTIFIED == EVERY NINETY DAYS BY THE LAW
25 ENFORCEMENT AGENCY WHEN THE LAW ENFORCEMENT AGENCY HAS NOT
26 YET RECEIVED THE RESULTS OF THE MEDICAL FORENSIC EVIDENCE DNA
27 ANALYSIS FROM THE ACCREDITED CRIME LABORATORY. A LAW

1 ENFORCEMENT AGENCY COMPLIES WITH THIS SUBSECTION (1)(b.8)(II.5) BY
2 NOTIFYING ALL VICTIMS REQUIRED TO BE NOTIFIED AT THE SAME TIME
3 DURING THE FIRST WEEK OF EACH OF MARCH, JUNE, SEPTEMBER, AND
4 DECEMBER.

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

7 **24-33.5-113. Forensic medical evidence in sexual assault cases**
8 **- rules - testing - confidentiality - definition.** (6) (a) UPON SUBMISSION
9 OF FORENSIC MEDICAL EVIDENCE TO AN ACCREDITED CRIME LABORATORY,
10 THE ACCREDITED CRIME LABORATORY MUST ENDEAVOR, SUBJECT TO
11 AVAILABLE CAPACITY, FUNDING, AND PERSONNEL, TO ANALYZE AND,
12 WHEN APPROPRIATE, UPLOAD THE INFORMATION INTO THE COMBINED
13 DNA INDEX SYSTEM WITHIN SIXTY DAYS AFTER RECEIPT OF THE FORENSIC
14 MEDICAL EVIDENCE.

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

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

21 **24-33.5-113.5. Forensic medical evidence in sexual assault**
22 **cases - tracking system.** (4) (a) On or after January 30, 2026, and on or
23 before January 30 AND JULY 31 of each year thereafter, the executive
24 director of the department shall submit a report to ~~the judiciary~~
25 ~~committees of the house of representatives and senate, or any successor~~
26 ~~committees~~ EVERY MEMBER OF THE GENERAL ASSEMBLY, including the
27 following information from the preceding ~~calendar year~~ PERIOD OF JULY

1 1 THROUGH DECEMBER 31 OR JANUARY 1 THROUGH JUNE 30, AS
2 APPLICABLE:

3

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

6 **24-33.5-432. Appropriation - DNA retesting - sexual assault kit**
7 **backlog - reporting requirements - definition.** (4) The department of
8 public safety shall:

9 _____ (c) (I) Design and implement, within ninety days after the
10 effective date of this section, a public-facing dashboard on the department
11 of public safety's website that provides reports on the forensic medical
12 evidence and sexual assault kit DNA EVIDENCE backlogs, including the:
13 total caseload numbers subject to the backlog, total fiscal year caseload
14 numbers subject to the backlog, the number of forensic medical evidence
15 tests and sexual assault kit tests completed in the previous thirty days, the
16 number of new cases received within the previous thirty days, and the
17 current average turnaround times to conduct a forensic medical evidence
18 test or a sexual assault kit test. The department shall update the dashboard
19 at least every thirty days.

20 (A) TOTAL CASELOAD NUMBERS SUBJECT TO THE BACKLOG;

21 (B) TOTAL FISCAL YEAR CASELOAD NUMBERS SUBJECT TO THE
22 BACKLOG;

23 (C) TOTAL NUMBER OF CASES WITH PENDING DNA EVIDENCE
24 TESTS;

25 (D) TOTAL NUMBER OF SEXUAL ASSAULT CASES;

26 (E) TOTAL NUMBER OF CASES WITH A PENDING DNA EVIDENCE
27 SAMPLE COLLECTED WITH ATTACHED OR INDEPENDENTLY SUBMITTED

1 FORENSIC MEDICAL EVIDENCE;

2 (F) TOTAL OF NUMBER OF CASES WITH A PENDING DNA EVIDENCE

3 SAMPLE COLLECTED FROM A CRIME SCENE INVOLVING SEXUAL ASSAULT

4 FOR WHICH NO FORENSIC MEDICAL EVIDENCE HAS BEEN SUBMITTED;

5 (G) CURRENT AVERAGE TURNAROUND TIME FOR A DNA EVIDENCE

6 TEST;

7 (H) CURRENT AVERAGE TURNAROUND TIME FOR A FORENSIC

8 MEDICAL EVIDENCE TEST;

9 (I) TOTAL NUMBER OF TESTS THAT THE COLORADO BUREAU OF

10 INVESTIGATION HAS COMPLETED IN THE PREVIOUS THIRTY DAYS;

11 (J) TOTAL NUMBER OF TESTS THAT LABORATORIES WITH WHICH

12 THE COLORADO BUREAU OF INVESTIGATION HAS CONTRACTED HAVE

13 COMPLETED IN THE PREVIOUS THIRTY DAYS;

14 (K) TOTAL NUMBER OF NEW DNA TESTS AND FORENSIC MEDICAL

15 EVIDENCE TESTS RECEIVED WITHIN THE PREVIOUS THIRTY DAYS;

16 (L) ANTICIPATED TIMELINE FOR THE COLORADO BUREAU OF

17 INVESTIGATION TO ACHIEVE AN AVERAGE NINETY-DAY TURNAROUND TIME

18 FOR FORENSIC MEDICAL EVIDENCE TESTS;

19 (M) INFORMATION CONCERNING THE COLORADO BUREAU OF

20 INVESTIGATION'S LAB ANALYST STAFFING LEVELS; AND

21 (N) THE INFORMATION REQUIRED PURSUANT TO SECTION

22 24-33.5-113.5 (4).

23 (II) THE DEPARTMENT SHALL UPDATE THE DASHBOARD AT LEAST

24 EVERY THIRTY DAYS.

25 (d) Provide email updates every thirty days beginning March 10,

26 2025, through June 30, 2026, to the general assembly regarding the

27 forensic medical evidence and sexual assault kit backlogs, which include:

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

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

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

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

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

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

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

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

22 ~~(IX) Information or updates on difficulties contracting with~~
23 ~~external labs that may affect the bureau's anticipated testing capacity,~~
24 ~~volume, turnaround expectations, or other information explaining why the~~
25 ~~results vary from the projected caseload timeline reflected in the February~~
26 ~~10, 2025, bureau whitepaper document provided to the general assembly.~~

27 **SECTION 6. Appropriation.** For the 2025-26 state fiscal year,

1 \$39,938 is appropriated to the department of law for use by the
2 administration division. This appropriation is from the general fund and
3 is based on an assumption that the division will require an additional 0.5
4 FTE. To implement this act, the division may use this appropriation for
5 personal services.

6 **SECTION 7. Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.