



Fiscal Note  
Legislative Council Staff  
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SB 25-304: MEASURES TO ADDRESS SEXUAL ASSAULT KIT BACKLOG

Prime Sponsors:  
Sen. Weissman  
Rep. Willford; Froelich

Fiscal Analyst:  
Clayton Mayfield, 303-866-5851  
clayton.mayfield@coleg.gov

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Fiscal note status: This revised fiscal note reflects the reengrossed bill.

Summary Information

Overview. The bill creates a board in the Department of Law regarding forensic medical evidence and sexual assault kits, 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 \$112,365 to the Department of Law, but currently includes an appropriation of \$39,938; see State Appropriations section.

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	\$134,378	at least \$63,204
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	1.0 FTE	at least 0.5 FTE

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

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

<b>Fund Source</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
General Fund	\$112,365	at least \$52,198
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$22,013	at least \$11,006
<b>Total Expenditures</b>	<b>\$134,378</b>	<b>at least \$63,204</b>
<b>Total FTE</b>	<b>1.0 FTE</b>	<b>at least 0.5 FTE</b>

## Summary of Legislation

The bill creates the Colorado Sexual Assault Forensic Medical Evidence Review Board (board) in the Department of Law (DOL). The board consists of at least 15 members from relevant state agencies and other stakeholders with experience in forensic medical evidence and sexual assault issues, including the Attorney General, who serves as the chair. The Attorney General appoints up to 13 members of the board, and the Governor appoints two members. All members serve without compensation, but may receive a per diem reimbursement subject to availability of funds. Initial appointments are required on or before August 1, 2025, which is also the date by which the first board meeting must occur. Additional meetings may be called as necessary by the board.

Under the bill, the board has specific duties for reviewing the response to sexual assault, including medical forensic evidence, law enforcement reporting, and victim experience. This includes making recommendations to the General Assembly, with a preliminary board report required by December 15, 2025. The board is required to submit an annual report each November starting in 2026.

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, as they are able to within available capacity, funding, and personnel; and
- expands and updates existing information the Department of Public Safety (CDPS) is required to report concerning testing of forensic medical evidence.

## State Expenditures

The bill increases state expenditures in the Department of Law by about \$134,000 in FY 2025-26 and at least \$63,000 in FY 2026-27 and future years. These costs, paid from the General Fund, are summarized in Table 2 and discussed below. The bill also minimally affects workload in the Department of Public Safety.

**Table 2**  
**State Expenditures**  
**Department of Law**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Personal Services	\$103,115	at least \$51,558
Operating Expenses	\$2,580	at least \$640
Capital Outlay Costs	\$6,670	\$0
Centrally Appropriated Costs	\$22,013	at least \$11,006
<b>Total Costs</b>	<b>\$134,378</b>	<b>at least \$63,204</b>
<b>Total FTE</b>	<b>1.0 FTE</b>	<b>at least 0.5 FTE</b>

### Department of Law

The DOL requires 1.0 FTE to support board operations in FY 2025-26. This staff will assist the Attorney General with initial set up of the board, coordinate data collection from publicly funded crime labs, and assist with the report required by December 15, 2025. In future years, workload for the board will require at least 0.5 FTE, but the appropriate level of staff and other costs for ongoing board support should be determined through the annual budget process. A start date of July 1, 2025, is assumed for this new staff, and costs include standard operating and capital outlay.

Board members who are not also state employees may receive a per diem reimbursement for each meeting attended subject to availability of funding. The fiscal note assumes these costs are optional, and an appropriation is not required unless the General Assembly intends for board members to receive per diem reimbursement.

### Department of Public Safety

Workload in the CDPS will increase to comply with the bill's provisions regarding processing sexual assault kits, reporting requirements, and providing information to the board. 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 other duties under the bill, the fiscal note assumes that the net increase in workload is minimal. Overall, no change in appropriations is required for these efforts.

## **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 may include employee insurance, supplemental employee retirement payments, leased space, and indirect cost assessments, are shown in the expenditure table above.

## **Local Government**

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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**

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

## **State Appropriations**

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For FY 2025-26, the bill requires a General Fund appropriation of \$112,365 and 1.0 FTE to the Department of Law.

It currently includes a General Fund appropriation of \$39,938 and 0.5 FTE based on a preliminary estimate of fiscal impacts.

## **Departmental Difference**

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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 board and annual reporting. Based on this, the fiscal note only indicates that an appropriation is required for the board's workload. 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

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Judicial

Public Safety

Law