



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note Memorandum

TO: Members of the House Judiciary Committee

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Fiscal Assessment of L.001 to HB25-1275

This memorandum is an assessment of the fiscal impact of the attached proposed amendment L.001 to HB25-1275. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

Summary of Proposed Amendment

Amendment L.001 updates the process to investigate Colorado Bureau of Investigation (CBI) employee wrongdoing, removes the requirement that CBI review all crime lab records before July 1, 2025, establishes timelines for defendant notification, changes the post-conviction relief process, and makes a final report of wrongdoing open to public inspection, as described below.

Investigation of Wrongful Actions

Amendment L.001 makes several changes to the CBI process for investigating crime lab employee wrongdoing, including: reducing the timeframe by which a colleague is required to report another employee's wrongdoing; outlining requirements if an investigation cannot be completed in 91 days; outlining requirements when an investigation determines there was no wrongful action; and requiring a final report of any investigations concerning wrongful action that brought criminal allegations against an employee between July 10, 2014, and July 1, 2025, be submitted to all district attorneys by September 1, 2025.

Record Review

The amendment removes the requirement that CBI review all records of the crime lab to identify wrongful actions by current or former employees committed prior to July 1, 2025.



Defendant Notification

The amendment clarifies the timeline for district attorneys to notify defendants of an investigation and a final report.

Post-Conviction Relief Process

The amendment makes several changes to the post-conviction relief process established by the bill by providing timelines that district attorneys must adhere to for post-conviction relief; outlining what must occur if a defendant alleges a claim of ineffective assistance of counsel; setting a deadline of 35 days prior to an evidentiary hearing for parties to share witnesses; requiring a defendant to only show justifiable excuse or excusable neglect to file a claim; and outlining when wrongful action is material to the case.

Final Report Public Inspection

The amendment makes a final report concluding that a crime laboratory employee engaged in wrongful action open for public inspection.

Fiscal Impact of Amendment

By removing the requirement to review all cases before July 1, 2025, and further clarifying what CBI must review and when to notify, the bill decreases agency costs by an estimated \$1.2 million in FY 2025-26 and \$1.3 million in FY 2026-27, relative to the published fiscal note.

In addition, this memo revises the bill's fiscal impacts based on new information. Since the publication of the original fiscal note, Legislative Council Staff has learned that the Joint Budget Committee appropriated \$300,000 for indigent defense agencies to begin the work of reviewing impacted cases, which is now factored in to the numbers in the section below.

Bill's Revised Fiscal Impact with Amendment

The bill increases state General Fund expenditures by at least \$890,000 in FY 2025-26 and \$970,000 in FY 2026-27 as outlined in Table 1 and described below.



Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	at least \$889,295	at least \$969,342
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$7,473
Change in State FTE	4.4 FTE	5.3 FTE

Table 1A
State Expenditures

Fund Source	Budget Year FY 2025-26	Out Year FY 2026-27
General Fund ¹	\$802,282	\$862,408
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$87,013	\$106,934
Total Expenditures	\$889,295	\$969,342
Total FTE	4.4 FTE	5.3 FTE

¹ This amount includes \$300,000 that is assumed to be appropriated through the Long Bill; therefore, only \$502,282 should be appropriated through this bill.

Background

In response to testing anomalies from a former DNA analyst discovered at CBI the General Assembly appropriated \$7.4 million to the CBI for district attorney reimbursement (\$4.4 million) and for DNA testing and reimbursement (\$3.0 million) for the estimated 3,000 identified cases with anomalies. Since that time, according to this [Joint Budget Committee Staff supplemental](#), CBI has identified anomalies in 1,003 cases affected by the analyst's misconduct. It is currently unknown how many of these cases resulted in conviction.

In addition to the \$7.4 million appropriated, the Joint Budget Committee is planning to appropriate \$300,000 in the Long Bill for indigent dense to process any anomalies to decide if further post-conviction relief should be pursued. Because it is unknown how many cases could end up in court, the fiscal note uses the \$300,000 appropriation as a benchmark for the minimum costs that may occur in the future.



State Expenditures

The bill increases state expenditures by at least \$890,000 in FY 2025-26, and \$970,000 in FY 2026-27 and ongoing until the current number of anomalies are worked through the court system. These costs will be incurred in the Department of Public Safety (CDPS), the Judicial Department, and the offices that represent indigent offenders, as shown in Table 2 and described in the sections below. Costs are paid from the General Fund.

Table 2
State Expenditures
All Departments

Department	Budget Year FY 2025-26	Out Year FY 2026-27
Judicial Department	at least \$165,375	at least \$265,432
Department of Public Safety	\$423,920	\$403,910
Indigent Defense ¹	at least \$300,000	at least \$300,000
Total Costs	at least \$889,295	at least \$969,342

¹ A \$300,000 appropriation is included in the Long Bill for agencies representing indigent offenders.

Judicial Department

By creating a new timeline for post-conviction relief, the bill increases expenditures in the trial courts to hold additional trials, as shown in Table 2A and discussed below.

Staff

The trial courts require at least 1.5 FTE starting in FY 2025-26 until cases involving current anomalies exhaust their post-conviction remedies. This includes at least 0.5 FTE magistrates and 1.5 FTE support staff at a 1:3 ratio. Costs include standard capital and operating costs, as well as additional operating costs of \$4,720 per magistrate. Costs are also prorated for a January 1 start date to provide time for the final report to be finalized by September and for district attorneys and defense to provide necessary notifications and conduct necessary discoveries. Actual expenditures will depend on the number of cases filed for post-conviction relief, and any additional resources will be requested through the annual budget process.



Table 2A
State Expenditures
Judicial Department

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Personal Services	\$121,142	\$215,119
Operating Expenses	\$2,461	\$4,260
Capital Outlay Costs	\$16,840	\$1,200
Centrally Appropriated Costs	\$24,932	\$44,853
Total Costs	at least \$165,375	at least \$265,432
Total FTE	at least 1.1 FTE	at least 2.0 FTE

Department of Public Safety

The bill increases required staff in the CBI and legal services support, as shown in Table 2B and described below.

Staff

The CBI requires 3.0 FTE starting in FY 2025-26 to investigate any wrongful actions in the future. This includes a quality assurance team of 2.0 FTE forensic scientist and 1.0 FTE program assistant to provide required documentations and discoveries to individuals, and to provide support to the team. In addition to standard operating costs, certain staff require additional agent operating costs.

Legal Services

Expenditures will increase for the DPS to receive legal services from the Department of Law. This includes providing legal support to ensure requirements of discovery and notifications are adhered to in future cases. This work is estimated to require 450 hours of legal services per year starting in FY 2025-26, at \$133.74 per hour.



Table 2B
State Expenditures
Department of Public Safety

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Personal Services	\$266,806	\$266,806
Operating Expenses	\$3,840	\$3,840
Capital Outlay Costs	\$20,010	\$0
Agent Package	\$11,000	\$11,000
Legal Services	\$60,183	\$60,183
Centrally Appropriated Costs	\$62,081	\$62,081
FTE – Personal Services	3.0 FTE	3.0 FTE
FTE – Legal Services	0.3 FTE	0.3 FTE
Total Costs	\$423,920	\$403,910
Total FTE	3.3 FTE	3.3 FTE

Indigent Defense

The bill increases expenditures in the Office of the State Public Defender and the Office of the Alternate Defense Counsel to represent additional clients who receive notification that their case is impacted by mishandling of DNA evidence at the CBI crime lab and are permitted representation from one of these offices. Under current law, indigent clients may not request court-appointed counsel until after they file their own claim and a court finds enough merit to the claim.

At figure setting, the Joint Budget Committee decided to include \$300,000 in the FY 2025-26 Long Bill to support these offices in identifying impacted cases.

The fiscal note assumes this \$300,000 cost continues through the out years. However, actual costs will depend on the extent to which CBI identifies wrongdoing. The fiscal note assumes that the offices will request additional funding through the annual budget process if necessary.



Table 2C
State Expenditures
Offices Representing Indigent Offenders

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Indigent Defense	\$300,000	\$300,000
Total Costs	\$300,000	\$300,000

Other Criminal Justice Impacts

To the extent the bill results in individuals getting their convictions overturned, and released from their sentences, costs to various departments and divisions, such as the Department of Corrections, the Division of Probation, and Community Corrections may decrease. Because it is unknown how sentences will change, any change in appropriations will be adjusted through the annual budget project.

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 include employee insurance and supplemental employee retirement payments, are shown in the expenditure tables above.

Departmental Difference

The Judicial Department estimates costs of \$3.0 million per year starting in FY 2025-26. The Judicial Department estimates the need for 7 additional magistrates, resulting in a total increase of 28 court staff. This is under the assumption that there will be 2,250 additional motions for post-conviction relief, 57 new trials, and 765 additional civil cases. The fiscal note estimates the minimum costs that may occur as it is unknown of how many cases will file for post-conviction relief. In addition, the memo does not include costs for civil cases as the bill does not contemplate a new civil process and these cases may occur under current law.