



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**FISCAL NOTE**

<b>Drafting Number:</b>	LLS 20-0866	<b>Date:</b>	February 7, 2020
<b>Prime Sponsors:</b>	Rep. Froelich Sen. Danielson	<b>Bill Status:</b>	House Judiciary
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**Bill Topic:** PROTECT SURVIVORS' RIGHTS TO RAPE KIT EVIDENCE

**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires the Division of Criminal Justice to research the development of a sexual assault evidence tracking system; requires medical professionals to make certain disclosures to victims; allows victims to be informed of and object to evidence destruction if an alleged sex offense has not resulted in a conviction or plea of guilty; and requires the division to promulgate rules. It will increase state expenditures and local government workload in FY 2020-21 only.

**Appropriation Summary:** For FY 2020-21, the bill requires an appropriation of \$104,560 to the Department of Public Safety.

**Fiscal Note Status:** The fiscal note reflects the introduced bill.

**Table 1  
State Fiscal Impacts Under HB 20-1228**

		FY 2020-21	FY 2021-22
<b>Revenue</b>		-	-
<b>Expenditures</b>	General Fund	\$104,560	
<b>Transfers</b>		-	-
<b>TABOR Refund</b>		-	-

## **Summary of Legislation**

The bill requires the Division of Criminal Justice (division) in the Department of Public Safety (DPS) to research the development of a sexual assault evidence tracking system; requires medical professionals to make certain disclosures to victims; allows victims to be informed of and object to evidence destruction if an alleged sex offense has not resulted in a conviction or plea of guilty; and requires the division to promulgate rules. These provisions are detailed below.

**Evidence tracking system.** The bill requires the division to research the development of a statewide electronic tracking system through which victims may access information about the status of forensic medical evidence testing. By December 1, 2020, the division must:

- research tracking system options;
- develop guidelines and a plan to implement a tracking system with secure electronic access that allows a victim, or the victim's designee, to access or receive information about the location, lab submission status, completion of forensic testing, and storage of forensic medical evidence that was gathered from the victim, provided that the disclosure does not impede or compromise an ongoing investigation and reveal the victim's current location;
- develop guidelines and a plan to safeguard confidentiality and limited disclosure of the information contained in the tracking system;
- estimate the money, resources, and training needed to create, manage, and maintain the tracking system;
- recommend sources of public and private funding;
- recommend requisite changes to law or policy necessary for implementation of the tracking system;
- consult with representatives of law enforcement, district attorneys, criminal defense attorneys, and statewide organizations representing victims of sexual assault; and
- report the division's findings, recommendations, and any proposed legislation to the Judiciary Committees of the General Assembly by December 1, 2020.

**Notifications from medical professionals.** The bill requires medical professionals collecting evidence related to a sexual assault to notify the victim of the contact information for the nearest sexual assault victim's advocate, and that any forensic medical evidence collected must be maintained until after the assailant may no longer be prosecuted for the crime and that the victim must be notified prior to the destruction of such evidence.

**Notifications of and objections to evidence destruction.** The bill requires that, where an alleged sex offense has not resulted in a conviction or plea of guilty, the victim be informed at least 60 days prior to the destruction of forensic medical evidence and the right to file an objection with the law enforcement agency, the Colorado Bureau of Investigation (CBI), or the accredited crime laboratory, resulting in a requirement that the agency retain the evidence for an additional 10 years.

**Rules.** The DPS is required to perform rulemaking by October 1, 2020, to require law enforcement agencies, the CBI, and accredited crime laboratories to maintain forensic medical evidence collected in connection with an alleged sexual assault for the period of time in which the adult or juvenile may be prosecuted, unless the evidence has already been used to positively identify a defendant who is convicted or pled guilty to a crime associated with the alleged sexual assault. This rule may apply to evidence collected on, before, or after August 5, 2020.

**State Expenditures**

The bill increases state General Fund expenditures by \$104,560 in FY 2020-21 in the DPS. It will also increase workload in the Department of Regulatory Agencies (DORA). Costs are shown in Table 2 and discussed below.

**Table 2**  
**Expenditures Under HB 20-1228**

	<b>FY 2020-21</b>	<b>FY 2021-22</b>
<b>Department of Public Safety</b>		
Contractor	\$44,200	-
IT Analyst	\$60,360	-
<b>Total Cost</b>	<b>\$104,560</b>	<b>\$0</b>

**Department of Public Safety.** The division requires a contractor to research systems, conduct the stakeholder process, and develop recommendations. It also requires analyst hours from the Office of Information Technology (OIT) to create evidence tracking system requirements. The contractor will be required for an estimated 68-day period, paid at the Department of Justice daily rate of \$650. The analysts from OIT will be required for an estimated 520 hours, paid at the standard hourly rates of \$114 for 400 hours of a network administrator and \$123 for 120 hours of a business analyst. In addition, workload will increase for the division to promulgate rules by October 1, 2020; it is assumed that rulemaking can be accomplished within existing resources.

The fiscal note does not estimate the cost to build a sexual assault evidence tracking system, as this is not required by the bill and will vary depending on the recommendation for how the system will operate.

**Department of Regulatory Agencies.** DORA will update its materials to reflect the notification requirements for medical professionals created by the bill. No change in appropriations is required.

**Local Government**

Local law enforcement and district attorneys will have an increase in costs and workload. For law enforcement, costs may increase as a result of maintaining evidence for longer periods and to issue notifications required by the bill. For both district attorneys and local law enforcement agencies, workload will increase to participate in the stakeholder process required under the bill.

**Effective Date**

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed.

## State Appropriations

For FY 2020-21, the bill requires a General Fund appropriation of \$104,560 to the DPS. Of this amount, \$60,360 is reappropriated to OIT.

## State and Local Government Contacts

Information Technology  
Public Safety

Law  
Regulatory Agencies