



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1052: RIGHTS FOR VICTIMS OF CERTAIN CRIMES

Prime Sponsors:

Rep. Woog; Stewart R.

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Fiscal note status: This revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee.

Summary Information

Overview. The bill provides additional victim rights around crime lab misconduct cases and restitution hearings, using aliases, and clarifying who can be a designated representative for the victim.

Types of impacts. The bill is projected to affect state expenditures through FY 2027-28, with workload and local government impacts ongoing:

- State Expenditures
- Local Government

Appropriations. For FY 2026-27, the bill requires an appropriation of \$356,997 to the Department of Public Safety.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$392,795	\$422,119
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	1.6 FTE	2.0 FTE

Fund sources for these impacts are shown in the tables below.

**Table 1A
State Expenditures**

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$356,997	\$377,371
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$35,799	\$44,748
Total Expenditures	\$392,795	\$422,119
Total FTE	1.6 FTE	2.0 FTE

Summary of Legislation

The bill modifies provisions of the Victim Rights Act, as outlined below.

Crime Lab Misconduct Cases and Restitution Hearings

The bill requires that a victim be notified by the district attorney if there is an evidentiary hearing on a post-conviction petition for relief as a result of a crime laboratory employee's wrongful action and of restitution assessment hearings. The bill also establishes the right for victims to confer with the district attorney and to request a retest of forensic medical evidence if the crime lab employee who performed the test engaged in wrongful action. The district attorney must consider and make a determination regarding the request to retest.

Use of an Alias

The bill establishes the right for a victim to be referred to by an abbreviation, pseudonym, initials, or other preferred name during hearings.

Lawful Representative of Victim

The bill clarifies that if the victim is a child or an at-risk adult, the lawful representative, or the person who acts in the best interests of the victim, cannot include the defendant or alleged offender.

Assumptions

According to the CBI, approximately 5,700 tests of sexual assault-related forensic medical evidence involved a crime lab employee found to have committed wrongful actions. Of these, 3,800 cases did not result in a conviction. The fiscal note assumes that district attorneys will

receive retest requests for half of these cases, or 1,900 cases. Of those cases, the fiscal note assumes 200 cases will be found to have wrongful action. Of those 200 cases, it is assumed there will be 100 cases where the wrongful action impacted the results requiring a retest. It is assumed that retests will occur over 2 years, with 50 retests per year. Finally, it is assumed that contracted retests cost \$2,000 per kit, based on the rates of a 2024 Colorado Bureau of Investigation contract.

State Expenditures

The bill increases state expenditures by about \$393,000 in FY 2026-27 and \$422,000 in FY 2027-28 only. These costs will be paid from the General Fund and incurred in the Department of Public Safety (CDPS), as shown in Table 2 and described in the sections below. In addition, the bill may minimally increase workload in the Judicial Department and the Office of the Child’s Representative.

Table 2
State Expenditures
Department of Public Safety

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$135,449	\$169,311
Operating Expenses	\$2,048	\$2,560
Capital Outlay Costs	\$14,000	\$0
Outsourcing Tests	\$200,000	\$200,000
Forensic Accreditation Fee	\$500	\$500
Forensic Training	\$5,000	\$5,000
Centrally Appropriated Costs	\$35,799	\$44,748
Total Costs	\$392,795	\$422,119
Total FTE	1.6 FTE	2.0 FTE

Department of Public Safety

For FY 2026-27 and FY 2027-28 only, expenditures in the CBI will increase to hire staff and to outsource sexual assault-related evidence testing, as described below.

Staff

The CDPS requires 2.0 FTE to determine if a victim’s request for retesting meets the bill’s criteria. This includes 1.0 FTE Technician to determine if one of the assumed 1,900 cases was potentially impacted by a wrongful action, and to secure the necessary permissions and provide logistical

support for any retests. In addition, 1.0 FTE forensic analyst is required to determine if any of the assumed 200 cases of wrongful action impacted the results of the case, and to perform a scientific review of existing forensic medical evidence and determine what samples can be retested of the 100 assumed retests. This work is assumed to occur over 2 years and therefore these staff are required through FY 2027-28.

Outsourcing Testing

While the CBI is performing the retests required by the bill, testing of newly submitted forensic medical evidence will be outsourced to other labs at a cost of \$2,000 per test. The department reports that retesting takes twice as long as normal testing as most kits require consumptive testing due to the limited DNA evidence remaining, and because most require the analyst to work on one case at a time, versus using a batching process.

Forensic Accreditation and Training

Forensic analysts also incur yearly costs for accreditation at \$500 per staff and training at \$5,000 per staff.

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, indirect cost assessments, and other costs, are shown in Table 2.

Judicial Department

In FY 2026-27, workload in the Judicial Department will increase to reflect the choice of an alias by a victim in the case management database. This workload can be accomplished within existing resources.

Office of the Child's Representative

To the extent guardians ad litem are designated as a lawful representative, costs in the office will increase. The fiscal note assumes such appointments will be minimal and no change in appropriation is required.

Local Government

Workload to district attorney offices will increase to notify victims of post-conviction hearings and to coordinate any requests for retesting. In addition, costs will increase to make any changes to the ACTION system to reflect preferred names for victims. Programing costs are estimated at about \$100 per hour. District attorney offices are funded by the counties within the judicial district.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2026-27, the bill requires a General Fund appropriation of \$356,997 to the Department of Public Safety, and 1.6 FTE.

State and Local Government Contacts

District Attorneys

Public Safety

Judicial

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).