



Joint Budget Committee Staff

Memorandum

To: Joint Budget Committee Members
From: Kelly Shen, JBC Staff (303-866-5434)
Date: February 14, 2025
Subject: Potential Legislation Packet 5

This packet includes one bill draft for the Committee’s consideration. If the Committee would like to approve a bill draft for introduction, the motion should include the following:

- Approve for introduction in the Senate as a JBC bill LLS 25-XXXX (indicate if it is part of the Long Bill package or not);
- Identify prime sponsors and co-sponsors from the JBC; and
- Grant staff permission to make technical changes including adding appropriations.

Each individual item has page numbers, but also a packet page number (P-XXX) to help navigate the whole document. The page numbers below refer to the packet page number that begins with a “P”.

Potential Legislation

LLS 25-0832 DNA & Sexual Assault Kit Backlog Testing & Data (Kemmm)P-1

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
2/13/25

DRAFT

LLS NO. 25-0832.02 Owen Hatch x2698

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: DNA & Sexual Assault Kit Backlog Testing & Data

A BILL FOR AN ACT

101 **CONCERNING A STATE-FUNDED RESPONSE TO GENETIC TESTING**
102 **BACKLOGS.**

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/>.)

Joint Budget Committee. The bill requires the Colorado bureau of investigation (CBI) to spend specifically appropriated money on backlogged DNA evidence and sexual assault kit tests. Additionally, the bill allows the CBI to contract with external labs to perform the testing.

The bill requires CBI to create a dashboard on the department of public safety's website to update the public on the backlog. CBI shall

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

provide the general assembly with updates on the backlog every 30 days.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-432 as
3 follows:

4 **24-33.5-432. Appropriation - DNA retesting - sexual assault**
5 **kit backlog - reporting requirements - definition.** (1) THE THREE
6 MILLION DOLLAR APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY,
7 IN TURN APPROPRIATED TO THE BUREAU WITH THE LINE ITEM "DNA
8 TESTING AND REIMBURSEMENT" IN HOUSE BILL 24-1430, PASSED ON
9 APRIL 29, 2024, REMAINS AVAILABLE TO THE BUREAU UNTIL JUNE 30,
10 2026.

11 (2) THE BUREAU MAY ENTER INTO CONTRACTS WITH EXTERNAL
12 TESTING LABORATORIES OR AGENCIES THAT CONFORM TO THE CURRENT
13 VERSION OF ISO/IEC 17025 REQUIREMENTS, THE APPROPRIATE QUALITY
14 ASSURANCE STANDARDS REQUIRED BY THE FEDERAL BUREAU OF
15 INVESTIGATION, AND FORENSIC-SPECIFIC REQUIREMENTS, AND ARE
16 ACCREDITED BY AN ORGANIZATION THAT IS SIGNATORY TO THE
17 INTERNATIONAL LABORATORY ACCREDITATION COOPERATION MUTUAL
18 RECOGNITION ARRANGEMENTS FOR TESTING LABORATORIES, TO PERFORM
19 DNA RETESTING ON CRIMINAL CASES INVOLVED IN THE BUREAU
20 LABORATORY MISCONDUCT THAT WAS DISCOVERED IN 2023.

21 (3) THE BUREAU MAY ENTER INTO CONTRACTS WITH EXTERNAL
22 TESTING LABORATORIES OR AGENCIES THAT CONFORM TO THE CURRENT
23 VERSION OF ISO/IEC 17025 REQUIREMENTS, THE APPROPRIATE QUALITY
24 ASSURANCE STANDARDS REQUIRED BY THE FEDERAL BUREAU OF
25 INVESTIGATION, AND FORENSIC-SPECIFIC REQUIREMENTS, AND ARE

1 ACCREDITED BY AN ORGANIZATION THAT IS SIGNATORY TO THE
2 INTERNATIONAL LABORATORY ACCREDITATION COOPERATION MUTUAL
3 RECOGNITION ARRANGEMENTS FOR TESTING LABORATORIES, TO PERFORM
4 TESTING ON EVIDENCE IN THE BUREAU'S FORENSIC MEDICAL EVIDENCE
5 BACKLOG, INCLUDING, BUT NOT LIMITED TO, TESTING OF SEXUAL ASSAULT
6 KITS.

7 (4) THE DEPARTMENT OF PUBLIC SAFETY SHALL:

8 (a) PROVIDE A PROGRESS REPORT TO THE JOINT BUDGET
9 COMMITTEE BY NOVEMBER 1, 2025, DETAILING STEPS THE BUREAU HAS
10 TAKEN TO RESOLVE THE TESTING BACKLOG ISSUE FOR FORENSIC MEDICAL
11 EVIDENCE AND SEXUAL ASSAULT KITS;

12 (b) UTILIZE THE APPROPRIATION DESCRIBED IN SUBSECTION (1) OF
13 THIS SECTION TO PRIORITIZE AND ACCELERATE TESTING OF THE BACKLOG
14 OF SEXUAL ASSAULT KITS;

15 (c) DESIGN AND IMPLEMENT, WITHIN NINETY DAYS AFTER THE
16 EFFECTIVE DATE OF THIS SECTION, A PUBLIC-FACING DASHBOARD ON THE
17 DEPARTMENT OF PUBLIC SAFETY'S WEBSITE THAT PROVIDES REPORTS ON
18 THE FORENSIC MEDICAL EVIDENCE AND SEXUAL ASSAULT KIT BACKLOGS,
19 INCLUDING THE TOTAL CASELOAD NUMBERS SUBJECT TO THE BACKLOG,
20 TOTAL FISCAL YEAR CASELOAD NUMBERS SUBJECT TO THE BACKLOG, THE
21 NUMBER OF FORENSIC MEDICAL EVIDENCE TESTS AND SEXUAL ASSAULT
22 KIT TESTS COMPLETED IN THE PREVIOUS THIRTY DAYS, THE NUMBER OF
23 NEW CASES RECEIVED WITHIN THE PREVIOUS THIRTY DAYS, AND THE
24 CURRENT AVERAGE TURNAROUND TIMES TO CONDUCT A FORENSIC
25 MEDICAL EVIDENCE TEST OR A SEXUAL ASSAULT KIT TEST. THE
26 DEPARTMENT SHALL UPDATE THE DASHBOARD AT LEAST EVERY THIRTY
27 DAYS.

1 (d) PROVIDE EMAIL UPDATES EVERY THIRTY DAYS BEGINNING
2 MARCH 1, 2025, THROUGH JUNE 30, 2026, TO THE GENERAL ASSEMBLY
3 REGARDING THE FORENSIC MEDICAL EVIDENCE AND SEXUAL ASSAULT KIT
4 BACKLOGS, WHICH INCLUDE:

5 (I) THE TOTAL NUMBER OF CASES WITH PENDING MEDICAL
6 FORENSIC EVIDENCE TESTS;

7 (II) THE TOTAL NUMBER OF CASES WITH PENDING SEXUAL ASSAULT
8 KIT TESTS;

9 (III) THE CURRENT AVERAGE TURNAROUND TIME FOR A MEDICAL
10 FORENSIC TEST;

11 (IV) THE CURRENT AVERAGE TURNAROUND TIME FOR A SEXUAL
12 ASSAULT KIT TEST;

13 (V) THE NUMBER OF TESTS THE BUREAU'S INTERNAL LAB HAS
14 COMPLETED IN THE PREVIOUS THIRTY DAYS;

15 (VI) THE NUMBER OF TESTS EXTERNAL CONTRACTED LABS HAVE
16 COMPLETED IN THE PREVIOUS THIRTY DAYS;

17 (VII) THE ANTICIPATED TIMELINE FOR THE BUREAU TO ACHIEVE AN
18 AVERAGE NINETY-DAY TURNAROUND TIME FOR SEXUAL ASSAULT KIT
19 TESTS;

20 (VIII) UPDATES ON THE BUREAU'S LAB ANALYST STAFFING LEVELS;

21 AND

22 (IX) INFORMATION OR UPDATES ON DIFFICULTIES CONTRACTING
23 WITH EXTERNAL LABS THAT MAY AFFECT THE BUREAU'S ANTICIPATED
24 TESTING CAPACITY, VOLUME, TURNAROUND EXPECTATIONS, OR OTHER
25 INFORMATION EXPLAINING WHY THE RESULTS VARY FROM THE PROJECTED
26 CASELOAD TIMELINE REFLECTED IN THE FEBRUARY 10, 2025, BUREAU
27 WHITEPAPER DOCUMENT PROVIDED TO THE GENERAL ASSEMBLY.

1 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
2 REQUIRES, "FORENSIC MEDICAL EVIDENCE" INCLUDES, BUT IS NOT LIMITED
3 TO, DNA.

4 **SECTION 2. Safety clause.** The general assembly finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety or for appropriations for
7 the support and maintenance of the departments of the state and state
8 institutions.