



Joint Budget Committee Staff

Memorandum

To: Joint Budget Committee
From: Alfredo Kemm, JBC Staff (303-866-4549)
Date: Wednesday, February 12, 2025
Subject: [CBI-related bill drafts including LLS 25-0832](#)

Due to the urgency presented by the General Assembly's intention to provide roll-forward authority through FY 2025-26 for the \$3.0 million General Fund appropriation provided for the Colorado Bureau of Investigation (CBI), staff makes a recommendation and presents a bill draft for Committee discussion.

1. Staff recommends that the Committee request a bill draft to codify in statute the legislative intent included in the footnote adopted by the House on second reading for S.B. 25-105 (Department of Public Safety Supplemental). Amendment J.003 is attached.
2. Also attached is a bill draft (LLS 25-0832) creating a cash fund fiscal mechanism for the multi-agency use of funding included for DNA retesting. This concept was discussed by the Committee in supplemental discussions, but at the time was not yet drafted, and further consideration was delayed for figure setting discussions.

The bill draft also includes language specific to DNA retesting and the rape kit backlog that may be relevant to and appropriate in a bill that would also codify the legislative intent as included in the revised version of S.B. 25-105.

The bill draft locates these provisions in the DNA evidence section of the criminal code and places the new, Confidence in Criminal Investigations Fund under the administrative authority of the Department of Law.

The bill draft identifies the full remaining \$7,324,300 of the \$7.4 million appropriation for transfer into the cash fund created by the bill. However, the Committee could choose to leave the \$3.0 million appropriation to the CBI intact as a part of the current roll-forward amendment, and use the remaining \$4.0 million provided for district attorney reimbursements for the multi-agency access intended by the bill.

Staff believes that this cash fund solution could be addressed as a stand-alone bill, separately from other policy changes the Committee may consider related to CBI.

SB25-105

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Willford

1 Strike the Appropriations Committee Report, dated February 11, 2025,
2 and substitute the following:

3 "Amend reengrossed bill, page 42, line 9, strike "Reimbursement"^{107a} and
4 substitute "Reimbursement"^{107a} REIMBURSEMENT^{107b}".

5 Page 43, strike lines 14 and 15.

6 Page 44, strike lines 1 and 2 and substitute:

7 ~~"107a Department of Public Safety, Colorado Bureau of Investigation,
8 Laboratory and Investigative Services, District Attorney
9 Reimbursements; DNA testing and reimbursement -- It is the
10 General Assembly's intent that the Department provide a progress
11 report to the Joint Budget Committee by November 1, 2024. This
12 appropriation remains available until the close of the 2024-25 state
13 fiscal year.~~

14 107a DEPARTMENT OF PUBLIC SAFETY, COLORADO BUREAU OF
15 INVESTIGATION, LABORATORY AND INVESTIGATIVE SERVICES,
16 DISTRICT ATTORNEY REIMBURSEMENT -- THIS APPROPRIATION
17 REMAINS AVAILABLE UNTIL THE CLOSE OF THE 2024-25 STATE
18 FISCAL YEAR.

19 107b DEPARTMENT OF PUBLIC SAFETY, COLORADO BUREAU OF
20 INVESTIGATION, LABORATORY AND INVESTIGATIVE SERVICES,
21 DNA TESTING AND REIMBURSEMENT -- THIS APPROPRIATION
22 REMAINS AVAILABLE UNTIL THE CLOSE OF THE 2025-26 STATE
23 FISCAL YEAR. IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE
24 DEPARTMENT: (1) PROVIDE A PROGRESS REPORT TO THE JOINT
25 BUDGET COMMITTEE BY NOVEMBER 1, 2024; (2) USE THIS
26 APPROPRIATION TO ACCELERATE TESTING FOR THE BACKLOG OF
27 SEXUAL ASSAULT KITS THROUGH THE USE OF CONTRACT LABS; (3)
28 PROVIDE EMAIL UPDATES EVERY 30 DAYS BEGINNING MARCH 1,
29 2025 THROUGH JUNE 30, 2026, TO MEMBERS OF THE GENERAL
30 ASSEMBLY ON DNA BACKLOG AND SEX ASSAULT KIT BACKLOG TO
31 INCLUDE (a) THE TOTAL NUMBER OF CASES WITH PENDING TESTS IN
32 EACH CATEGORY, (b) THE CURRENT TURNAROUND TIME FOR EACH
33 CATEGORY, (c) THE NUMBER OF CASES FOR TESTS COMPLETED IN
34 THE PRIOR 30 DAYS BY INTERNAL LAB AND BY CONTRACT LABS, (d)
35 THE ANTICIPATED TIMELINE FOR CBI TO ACHIEVE A 90-DAY

1 TURNAROUND TIME FOR SEX ASSAULT KITS, (e) UPDATES ON CBI
 2 LAB ANALYST STAFFING LEVELS, AND (f) ANY INFORMATION OR
 3 UPDATES ON ISSUES WITH CONTRACT LABS THAT MIGHT AFFECT
 4 ANTICIPATED TESTING CAPACITY, VOLUME, TURNAROUND
 5 EXPECTATIONS, OR VARY FROM PROJECTED CASELOAD TIMELINES
 6 AS REFLECTED IN THE FEBRUARY 10, 2025 CBI WHITEPAPER
 7 DOCUMENT; AND (4) IMPLEMENT WITHIN 90 DAYS A PUBLIC FACING
 8 DASHBOARD TO BE UPDATED AT LEAST MONTHLY ON THE
 9 DEPARTMENT OF PUBLIC SAFETY WEBSITE TO REPORT ON THE DNA
 10 BACKLOG AND THE SEX ASSAULT KIT BACKLOG TO INCLUDE TOTAL
 11 CASELOAD NUMBERS, FISCAL YEAR AND 30-DAY TESTS COMPLETED
 12 AND NEW CASES RECEIVED, AND CURRENT TURNAROUND TIMES."."

PURPOSE: Strikes the Appropriations Committee Report that removes the amendment added in the Senate that extends spending authority for the DNA Testing and Reimbursement line item in the Colorado Bureau of Investigation (CBI) in the Department of **Public Safety** through June 30, 2026. This amendment (J.003) restores the extension of spending authority through June 30, 2026 and adds legislative intent for the Department and CBI to provide updates every 30 days to the General Assembly and implement a public-facing dashboard on the Department's website within 90 days related to DNA and sexual assault kit test backlogs. This line item is a FY 2023-24 appropriation with current spending authority through June 30, 2025. Although the amendment has no fiscal impact in the prior (FY 2023-24) or current (FY 2024-25) fiscal years, the amendment has the effect of further appropriating the amount that remains unspent at the end of the current fiscal year for FY 2025-26. It is anticipated that almost all of the appropriation will remain unspent at the end of the current fiscal year. Therefore, this amendment decreases the General Fund available for related or other FY 2025-26 appropriations by the same amount.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Public Safety	\$0	\$0	\$0	\$0	\$0	0.0

** ** ** ** **

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
2/12/25

DRAFT

LLS NO. 25-0832.01 Owen Hatch x2698

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Create a Cash Fund for Contracting & DNA Testing

A BILL FOR AN ACT

101 **CONCERNING PRIORITIZING STATE FUNDING FOR INVESTIGATIONS**
102 **INVOLVING TESTING OF GENETIC SAMPLES.**

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 creates the confidence in criminal investigations fund (fund) to pay for DNA retesting of cases linked to the Colorado bureau of investigation (CBI) laboratory misconduct discovered in 2023. Local district attorneys' offices, the office of state public defender, and the office of alternate defense counsel may seek reimbursement for additional investigation linked to the CBI

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

laboratory misconduct. Additionally, the bill allows the CBI to use money from the fund to pay for DNA testing of backlogged forensic medical evidence, including sexual assault kits.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1-1101, **amend**
3 (1); and **add** (1.5) as follows:

4 **18-1-1101. Definitions.** As used in this part 11, unless the context
5 otherwise requires:

6 (1) ~~"Disposed of" means evidence is destroyed, thrown away, or~~
7 ~~returned to the owner or his or her designee.~~ "BUREAU" MEANS THE
8 COLORADO BUREAU OF INVESTIGATION, AS DESCRIBED IN SECTION
9 24-33.5-401.

10 (1.5) "DISPOSED OF" MEANS EVIDENCE IS DESTROYED, THROWN
11 AWAY, OR RETURNED TO THE OWNER OR THE OWNER'S DESIGNEE.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 18-1-1110 as
13 follows:

14 **18-1-1110. DNA retesting - rape kit backlog - confidence in**
15 **criminal investigations fund - created - definitions - repeal.** (1) THE
16 BUREAU MAY ENTER INTO CONTRACTS WITH EXTERNAL TESTING
17 LABORATORIES OR AGENCIES THAT CONFORM TO THE CURRENT VERSION
18 OF ISO/IEC 17025 REQUIREMENTS, THE APPROPRIATION QUALITY
19 ASSURANCE STANDARDS REQUIRED BY THE FEDERAL BUREAU OF
20 INVESTIGATION, AND FORENSIC-SPECIFIC REQUIREMENTS, AND ARE
21 ACCREDITED BY AN ORGANIZATION THAT IS SIGNATORY TO THE
22 INTERNATIONAL LABORATORY ACCREDITATION COOPERATION MUTUAL
23 RECOGNITION ARRANGEMENTS FOR TESTING LABORATORIES, TO PERFORM
24 DNA RETESTING ON CRIMINAL CASES INVOLVED IN THE BUREAU

1 LABORATORY MISCONDUCT THAT WAS DISCOVERED IN 2023.

2 (2) THE BUREAU MAY ENTER INTO CONTRACTS WITH EXTERNAL
3 TESTING LABORATORIES OR AGENCIES THAT CONFORM TO THE CURRENT
4 VERSION OF ISO/IEC 17025 REQUIREMENTS, THE APPROPRIATION QUALITY
5 ASSURANCE STANDARDS REQUIRED BY THE FEDERAL BUREAU OF
6 INVESTIGATION, AND FORENSIC-SPECIFIC REQUIREMENTS, AND ARE
7 ACCREDITED BY AN ORGANIZATION THAT IS SIGNATORY TO THE
8 INTERNATIONAL LABORATORY ACCREDITATION COOPERATION MUTUAL
9 RECOGNITION ARRANGEMENTS FOR TESTING LABORATORIES, TO PERFORM
10 TESTING ON EVIDENCE IN THE BUREAU'S FORENSIC MEDICAL EVIDENCE
11 BACKLOG, INCLUDING, BUT NOT LIMITED TO, TESTING OF SEXUAL ASSAULT
12 KITS.

13 (3) (a) THE CONFIDENCE IN CRIMINAL INVESTIGATIONS FUND IS
14 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
15 CREDITED TO THE FUND PURSUANT TO THIS SECTION AND ANY OTHER
16 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
17 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
18 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
19 CONFIDENCE IN CRIMINAL INVESTIGATIONS FUND TO THE FUND.

20 (b) ON JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER
21 SEVEN MILLION THREE HUNDRED TWENTY-FOUR THOUSAND THREE
22 HUNDRED DOLLARS FROM THE GENERAL FUND TO THE FUND.

23 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
24 ASSEMBLY, THE DEPARTMENT OF LAW MAY DISTRIBUTE MONEY FROM THE
25 FUND TO DISTRICT ATTORNEYS' OFFICES, THE OFFICE OF STATE PUBLIC
26 DEFENDER, AND THE OFFICE OF ALTERNATE DEFENSE COUNSEL FOR COSTS
27 INCURRED AS A RESULT OF THE BUREAU LABORATORY MISCONDUCT

1 DISCOVERED IN 2023. THE DEPARTMENT OF LAW SHALL ESTABLISH A
2 PROCESS FOR A DISTRICT ATTORNEY'S OFFICE, THE OFFICE OF STATE PUBLIC
3 DEFENDER, AND THE OFFICE OF ALTERNATE DEFENSE COUNSEL TO
4 REQUEST AND RECEIVE REIMBURSEMENT FROM THE FUND.

5 (d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
6 ASSEMBLY, THE BUREAU MAY EXPEND MONEY FROM THE FUND FOR
7 ENTERING INTO CONTRACTS WITH EXTERNAL LABORATORIES OR AGENCIES
8 FOR DNA RETESTING DUE TO THE BUREAU LABORATORY MISCONDUCT
9 DISCOVERED IN 2023 AND FOR ENTERING INTO CONTRACTS WITH
10 EXTERNAL LABORATORIES OR AGENCIES FOR TESTING EVIDENCE IN THE
11 BUREAU'S FORENSIC MEDICAL EVIDENCE BACKLOG, INCLUDING TESTING ON
12 SEXUAL ASSAULT KITS.

13 (e) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
14 AND UNENCUMBERED MONEY IN THE FUND TO THE GENERAL FUND ON JUNE
15 30, 2030.

16 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES:

18 (a) "FORENSIC MEDICAL EVIDENCE BACKLOG" MEANS FORENSIC
19 MEDICAL EVIDENCE IN THE POSSESSION OF THE BUREAU ON THE EFFECTIVE
20 DATE OF THIS SECTION FOR TESTING BY THE BUREAU.

21 (b) "FUND" MEANS THE CONFIDENCE IN CRIMINAL INVESTIGATIONS
22 FUND CREATED IN SUBSECTION (3) OF THIS SECTION.

23 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2030.

24 **SECTION 3. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.