



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1114: DEFENSE REVIEW OF TANGIBLE OBJECT FOR CRIM TRIAL

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**Prime Sponsors:**

Rep. Carter  
Sen. Gonzales J.

**Fiscal Analyst:**

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**Published for:** House Judiciary**Drafting number:** LLS 25-0700**Version:** Initial Fiscal Note**Date:** January 31, 2025**Fiscal note status:** The fiscal note reflects the introduced bill.

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### Summary Information

**Overview.** The bill establishes the right of defense attorneys to review physical evidence.**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis starting in FY 2025-26:

- State Expenditures
- Local Government

**Appropriations.** No appropriation is required.

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**Table 1**  
**State Fiscal Impacts**

<b>Type of Impact</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

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## Summary of Legislation

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The bill establishes the right of defense attorneys to review any tangible object held by law enforcement in connection with a criminal trial. Upon request, defense attorneys must be allowed to review evidence as soon as practicable, but at least 35 days before trial. The bill requires the presence of a law enforcement officer while the review occurs, but law enforcement officers cannot record the review, including with body-worn cameras. Additionally, review by defense attorneys must allow for confidential conversations and the creation of confidential work product. Finally, upon request by defense attorneys or prosecutors, a court may issue an order that allows defense review of evidence.

## Background

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Under current law, prosecutors are required to make materials available to defense attorneys. This includes good faith efforts to make available materials held by other governmental personnel. When prosecutors' efforts in this regard are unsuccessful, courts must issue orders that cause material to be made available to defense attorneys.

## State Expenditures

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### Judicial Department

Judicial Department workload will increase to the extent the bill increases the need for trial courts orders or hearings regarding defense review of evidence. Since trial courts already conduct various hearings related to evidence in the course of a criminal trial, any increase in workload is expected to be minimal, and no change in appropriations is required.

### State Law Enforcement Agencies

By requiring that defense review occur in a confidential setting with the presence of a law enforcement officer, the bill may increase workload for state law enforcement agencies. However, the fiscal note assumes that state law enforcement agencies already coordinate evidence review in criminal cases with prosecutors. Given this, the fiscal note expects that state law enforcement agencies have the ability to provide this opportunity to defense attorneys when requested. Any increase in workload is further assumed to be minimal, and no change in appropriations is required.

## Local Government

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To the extent local law enforcement agencies must modify operations or procedures to allow for defense review of evidence in their possession as required by the bill, the bill may increase local government workload or expenditures. The exact impact will vary by jurisdiction.

## Effective Date

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The bill takes effect July 1, 2025.

## Departmental Difference

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The Department of Public Safety (CDPS) estimates that the bill requires \$84,118 General Fund, and 1.0 FTE in FY 2025-26, and \$64,248 General Fund, and 1.0 FTE in FY 2026-27 and beyond. This amount includes staff costs and costs to construct space in regional offices that will allow for defense review. This estimate is based on the assumption that the Colorado Bureau of Investigation's (CBI) has collected more evidence in recent years as a result of increased staff provided by budget decision items.

Based on feedback received from the Colorado District Attorneys' Council, the Office of the State Public Defender (OSPD), and current law that requires law enforcement agencies to make evidence available to defense attorneys through prosecutors, the fiscal note assumes that the CBI can make evidence available to defense attorneys using the same procedures that they make evidence available to prosecutors. Therefore, the fiscal note does not include these costs.

## State and Local Government Contacts

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District Attorneys

Public Safety

Judicial

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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](#).