

CHAPTER 29

GOVERNMENT - STATE

SENATE BILL 25-170

BY SENATOR(S) Amabile and Kirkmeyer, Bridges, Ball, Cutter, Frizell, Gonzales J., Hinrichsen, Jodeh, Kipp, Marchman, Michaelson Jenet, Roberts, Snyder, Sullivan, Weissman, Winter F., Coleman;
also REPRESENTATIVE(S) Bird and Sirota, Taggart, Armagost, Barron, Boesenecker, Brown, Camacho, Carter, Clifford, Duran, Froelich, Garcia, Garcia Sander, Gonzalez R., Hamrick, Jackson, Joseph, Keltie, Lieder, Lindsay, Lindstedt, Lukens, Marshall, McCormick, Rutinel, Smith, Soper, Stewart K., Titone, Valdez, Velasco, Willford, Winter T., Zokaie.

AN ACT

CONCERNING A STATE-FUNDED RESPONSE TO GENETIC TESTING BACKLOGS.

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

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

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

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

(3) THE BUREAU MAY ENTER INTO CONTRACTS WITH EXTERNAL TESTING LABORATORIES OR AGENCIES THAT CONFORM TO THE CURRENT VERSION OF ISO/IEC 17025 REQUIREMENTS, THE APPROPRIATE QUALITY ASSURANCE STANDARDS

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION, AND FORENSIC-SPECIFIC REQUIREMENTS, AND ARE ACCREDITED BY AN ORGANIZATION THAT IS SIGNATORY TO THE INTERNATIONAL LABORATORY ACCREDITATION COOPERATION MUTUAL RECOGNITION ARRANGEMENTS FOR TESTING LABORATORIES, TO PERFORM TESTING ON EVIDENCE IN THE BUREAU'S FORENSIC MEDICAL EVIDENCE BACKLOG, INCLUDING, BUT NOT LIMITED TO, TESTING OF SEXUAL ASSAULT KITS.

(4) THE DEPARTMENT OF PUBLIC SAFETY SHALL:

(a) PROVIDE A PROGRESS REPORT TO THE JOINT BUDGET COMMITTEE BY APRIL 15, 2025, DETAILING STEPS THE BUREAU HAS TAKEN TO RESOLVE THE TESTING BACKLOG ISSUE FOR FORENSIC MEDICAL EVIDENCE AND SEXUAL ASSAULT KITS;

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

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

(d) PROVIDE EMAIL UPDATES EVERY THIRTY DAYS BEGINNING MARCH 10, 2025, THROUGH JUNE 30, 2026, TO THE GENERAL ASSEMBLY REGARDING THE FORENSIC MEDICAL EVIDENCE AND SEXUAL ASSAULT KIT BACKLOGS, WHICH INCLUDE:

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

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

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

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

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

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

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

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

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

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

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

Approved: March 26, 2025