



Fiscal Note Response Form



Bill #: SB 25-304

Agency: Department of Public Safety

LLS #: 25-0780

Contact: Terri Anderle

Bill Title: Measures to Address Sexual
Assault Kit Backlog

Phone #: 303-842-2483

TYPE OF FISCAL IMPACT

Select all that apply.

☐ Revenue Impact ☐ Expenditure Impact ☐ Workload Impact ☐ No Fiscal Impact

SUMMARY

Provide a plain language summary of the bill in your own words.

The bill creates a grant program to fund an independent sexual assault kit coordinator (coordinator) position. The coordinator is tasked with providing annual reports to the general assembly regarding specific criteria relating to the state's capacity to complete sexual assault kit tests. The Colorado bureau of investigation administers the grant program.

The bill creates a notification requirement under the "Victim Rights Act" that requires a law enforcement agency to notify a victim at least once every 90 days if the law enforcement agency has not received the results of the forensic medical evidence DNA analysis from an accredited crime laboratory.

The bill requires an accredited crime laboratory to endeavor to analyze forensic medical evidence within 60 days after its receipt.

The bill expands existing reporting requirements concerning forensic medical evidence in sexual assault cases so that each member of the general assembly receives a report twice each year and the report includes information concerning the average amount of time between receipt and completed analysis of sexual assault evidence collection kits.

PROGRAM BACKGROUND

Provide any relevant background on the program(s) in your agency affected by the bill.

The Colorado Bureau of Investigation (CBI) Forensic Services section provides forensic analysis for Colorado law enforcement agencies across a myriad of forensic disciplines. Testing is provided in biological sciences/DNA, drug chemistry, DNA CODIS database, firearms and toolmarks, NIBIN, latent prints, toxicology, and trace chemistry. Forensic Services has 132 FTE. In the calendar year 2024 Forensic Services received 18,591 requests for testing.

NO FISCAL IMPACT OR ABSORBABLE WORKLOAD IMPACT

If applicable, explain why this bill has no fiscal impact (NFI) on your agency or any absorbable impact to your agency's current workload for which no appropriation is required.

N/A

Please make sure to explain why the bill is NFI or absorbable in the box above or in an email to LCS. The sections below are not required for bills that are NFI or have an absorbable workload impact.

DATA AND ASSUMPTIONS

List all data and assumptions used to determine the fiscal impact of bill (e.g., implementation dates, population estimates, caseload, growth trends, etc.). Please includes citations or links to data sources as appropriate.

This bill requires that each accredited laboratory endeavor to analyze forensic medical evidence within 60 days. CBI assumes this means the bureau **shall** meet a 60-day turnaround time for forensic medical evidence.

Based on previous projections, CBI estimates that once current staffing levels are trained, CBI will maintain a 90-day turnaround time for forensic medical evidence. Decreasing from a 90-day turnaround time to 60 days requires significant staffing increases to not only meet this requirement but also account for staff impacts such as annual and protected leave, attrition, and additional duties such as court that have, in the past, dramatically reduced the ability of the Lab to maintain evidence testing times.

These assumptions are based on conversations with the Connecticut State Crime Lab.

- The Connecticut State Crime lab maintains a 30 day turnaround time for DNA testing of sexual assault cases.
- The Connecticut State Crime lab receives approximately two-thirds of the sexual assault cases CBI receives (about 800 per year compared to about 1200 per year).
- The Connecticut State Crime lab has a staff of 40 DNA scientists.
- CBI currently has 31.0 FTE for DNA scientists*.
- CBI estimates to meet a 30-day turnaround time it would require a 33% larger DNA staff than Connecticut's DNA staffing of 40, or 60 FTE.
- To meet a 60 day turnaround time will require half the difference between CBI's current 31 FTE and 60 FTE.
- CBI will require 45.0 DNA FTE for non-autotheft cases, an increase of 14.0 FTE.
- A 7% attrition rate is also included to account for the extended training time required for DNA scientists. This is an increase of 17.2 DNA FTE.
- With the increase of DNA staff CBI will also require 1.0 DNA Quality Unit position, and 2.0 Laboratory Managers.

See table below that summarizes these estimates.

Also noted, this increase in CBI DNA staff will require shift work due to lack of space for this additional growth. The CBI lab is currently operating at capacity for its DNA/Bio discipline.

CBI Turnaround Time for forensic medical evidence			
	Scientists required for <u>30 day</u> TAT	Scientists required for <u>60 day</u> TAT	Scientists required for <u>90 day</u> TAT
CT 800 cases per year	40	NA	NA
CBI 1200 cases per year	60	45	31

Also noted, this increase in CBI DNA staff will require shift work due to lack of space for this additional growth. The CBI lab is currently operating at capacity for its DNA/Bio discipline.

*There are an additional 8 DNA FTE specific for autotheft cases based on previous legislation.

REVENUE IMPACT

Summarize the revenue impact of this bill in the table below and provide an explanation of any change in revenue. In this section, discuss any increase/decrease in state revenue, fee changes, and transfers or diversions of funds. Add rows/columns to table as necessary. List all affected funds by their statutory name. Provide calculations in a separate spreadsheet.

Revenue Impact	FY 2025-26	FY 2026-27
Fund Name		
Fund Name		
TOTAL		

Explanation of revenue and/or fee impact:

In your explanation, please identify the sections of the bill driving the impact.

The driving factors in this bill are the \$150,000 grant and the expectation for a 60-day turnaround time for sexual assault cases (forensic medical evidence). Given the law states the CBI to endeavor to meet a 60-day turnaround time, the CBI believes this will create a public expectation to seek the additional staff and resources needed to achieve this testing timeline based on the current volume of evidence received each year.

TRANSFERS/DIVERSIONS

Explain any transfers or fund diversions resulting from this bill. List all affected funds by their statutory name.

N/A

EXPENDITURE IMPACT

Summarize the expenditure impact of this bill in the table below and provide an explanation of any change in agency expenditures. Add rows/columns to table as necessary. List affected funds by their statutory name. Provide calculations using the fiscal note expense template or a separate spreadsheet.

Expenditure Impact	FY 2025-26	FY 2026-27
General Fund	\$3,163,122	\$3,029,722
Cash Funds (Name)		
Reappropriated Funds		
Federal Funds		
TOTAL	\$3,163,122	\$3,029,722

Explanation of expenditure impact:

In your explanation, please identify the sections of the bill driving the impact.

FTE required:

17.2 FSA III (including a 7% attrition rate)
1.0 FSA IV
2.0 FSA V

FTE job description / duties:

Please provide a job description and explain the duties of each new FTE and/or class of FTE. Greater detail can be provided on the FTE Impact tab of the agency expense worksheet.

17.2 Forensic Scientist Agent III - DNA scientist to perform DNA analysis
1.0 Forensic Scientist Agent IV - DNA Assistant Technical Leader to assist with the Quality Unit duties associated with the additional DNA scientists
2.0 Forensic Scientist Agent V - Laboratory Managers to supervise the new DNA scientists

Are there any non-standardized costs included?

These are costs that differ from those in the common policies and include FTE salary above the range minimum, special programming costs, unique department operating costs, etc.

150,000 for grant, includes training and accreditation fee for Forensic Scientists positions.

In your explanation of expenditure impact, did you consider the following?

- ✓ Do any centrally appropriated costs (i.e., indirect costs or leased space) need to be appropriated in the bill rather than through the budget process?
- ✓ Are there any state fleet vehicle or document management related costs? *If so, have you been in contact with DPA about the bill?*

- ✓ Are there any OIT-related information technology costs? *If so, have you been in contact with OIT about the bill?*
- ✓ Are more than 100 hours of legal services required? *If so, have you been in contact with the Department of Law?*
- ✓ Are there any other funding sources that may be used for this bill?
Is the General Fund is the most appropriate source? Are there cash funds that may be used?
- ✓ Has some or all of the cost of this legislation been included in the department's budget request?

Line Item Appropriation:

List the line items and amounts that are impacted by this bill. Add rows as needed. Greater detail can be provided on the Line item Appropriation tab of the agency expense worksheet.

Line Item	Appropriation Amount
Laboratory services	\$3,163,122
Line Item Appropriation Total	\$3,163,122

OTHER IMPACTS / INFORMATION

Local Government / School District Impact

Describe and quantify, if applicable, any direct or indirect impacts to local governments such as municipalities, counties, special districts, and school districts.

Technical or Mechanical Defects or Conflicts with Existing Law

Describe any technical or mechanical defects that could affect the implementation of the bill or conflict with other sections of law.

Updated August 2024