



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 26-1052: RIGHTS FOR VICTIMS OF CERTAIN CRIMES

#### Prime Sponsors:

Rep. Woog; Stewart R.

#### Fiscal Analyst:

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**Fiscal note status:** The fiscal note reflects the introduced bill.

### Summary Information

**Overview.** The bill provides additional victim rights around crime lab misconduct cases and restitution hearings, using aliases, and clarifying who can be a designated representative for the victim.

**Types of impacts.** The bill is projected to affect the following areas through FY 2029-30:

- State Expenditures
- Local Government

**Appropriations.** For FY 2026-27, the bill requires an appropriation of \$2.5 million to the Department of Public Safety and the Judicial Department.

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

| Type of Impact          | Budget Year<br>FY 2026-27 | Out Year<br>FY 2027-28 |
|-------------------------|---------------------------|------------------------|
| State Revenue           | \$0                       | \$0                    |
| State Expenditures      | \$2,561,619               | \$2,396,185            |
| Transferred Funds       | \$0                       | \$0                    |
| Change in TABOR Refunds | \$0                       | \$0                    |
| Change in State FTE     | 3.3 FTE                   | 4.0 FTE                |

Fund sources for these impacts are shown in the tables below.

**Table 1A**  
**State Expenditures**

| <b>Fund Source</b>        | <b>Budget Year<br/>FY 2026-27</b> | <b>Out Year<br/>FY 2027-28</b> |
|---------------------------|-----------------------------------|--------------------------------|
| General Fund              | \$2,484,424                       | \$2,302,735                    |
| Cash Funds                | \$0                               | \$0                            |
| Federal Funds             | \$0                               | \$0                            |
| Centrally Appropriated    | \$77,195                          | \$93,449                       |
| <b>Total Expenditures</b> | <b>\$2,561,619</b>                | <b>\$2,396,185</b>             |
| <b>Total FTE</b>          | <b>3.3 FTE</b>                    | <b>4.0 FTE</b>                 |

## Summary of Legislation

The bill modifies provisions of the Victim Rights Act, as outlined below.

### Crime Lab Misconduct Cases

The bill requires that a victim be notified by the district attorney if there is an evidentiary hearing on a post-conviction petition for relief as a result of a crime laboratory employee wrongful action. The bill also establishes the right for victims to have forensic medical evidence retested if there is wrongful action by a crime laboratory employee.

### Use of an Alias

The bill establishes the right to have a victim referred to by an abbreviation, pseudonym, initials, or other preferred name during hearings and in communications.

### Lawful Representative of Victim

The bill clarifies that if the victim is a child or an at-risk adult, the lawful representative, or the person who acts in the best interests of the victim, cannot include the defendant or alleged offender.

### Restitution Records

The bill gives victims the right to be heard at a court proceeding involving an application to the court for the issuance of a subpoena for restitution records.

## Assumptions

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According to the Colorado Bureau of Investigation (CBI), approximately 5,700 sexual assault tests involved a crime lab employee found to have committed wrongful actions, and 3,800 of those cases did not result in a conviction. The fiscal note assumes that victims will request to have their kits retested in at least half of these cases (1900 cases), and that retests will occur over 4 years (475 retests per year).

## State Expenditures

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The bill increases state expenditures by \$2.6 million in FY 2026-27 and \$2.4 million in FY 2027-28 through FY 2029-30. These costs will be incurred in the Department of Public Safety (CDPS) and the Judicial Department, as shown in Table 2 and described in the sections below. Costs are paid from the General Fund. In addition, the bill may minimally increase workload in the Office of the Child's Representative.

**Table 2**  
**State Expenditures**  
**All Departments**

| <b>Department</b>           | <b>Budget Year<br/>FY 2026-27</b> | <b>Out Year<br/>FY 2027-28</b> |
|-----------------------------|-----------------------------------|--------------------------------|
| Department of Public Safety | \$2,341,401                       | \$2,396,185                    |
| Judicial Department         | \$220,218                         | \$0                            |
| <b>Total Costs</b>          | <b>\$2,561,619</b>                | <b>\$2,396,185</b>             |

## Department of Public Safety

From FY 2026-27 to FY 2029-30, expenditures in the CBI will increase by about \$2.3 million per year to hire staff and to outsource rape kit testing, as described below.

### Staff

In order to perform retesting on 475 kits per year, the CBI requires 3.0 FTE forensic analysts to perform a scientific review of existing evidence and determine what samples can be retested and 1.0 FTE technician to secure the necessary permissions and provide logistics support. These staff are required through FY 2029-30.

### Outsourcing Testing

The fiscal note assumes that existing CBI staff will perform the retesting once the new analyst staff has performed initial evidence review. While this retesting occurs, testing of new forensic

samples will be outsourced to other labs. The department reports that retesting takes twice as long as normal testing as most kits require consumptive testing due to the limited DNA evidence remaining, and because most require the analyst to work on one case at a time, versus using a batching process. Therefore, the fiscal note assumes that 950 tests will be outsourced at a cost of \$2,000 per test.

### Forensic Accreditation and Training

Forensic analysts also incur yearly costs for accreditation at \$500 per staff and training at \$5,000 per staff.

**Table 2A**  
**State Expenditures**  
**Department of Public Safety**

| <b>Cost Component</b>        | <b>Budget Year<br/>FY 2026-27</b> | <b>Out Year<br/>FY 2027-28</b> |
|------------------------------|-----------------------------------|--------------------------------|
| Personal Services            | \$315,482                         | \$381,115                      |
| Operating Expenses           | \$4,224                           | \$5,120                        |
| Capital Outlay Costs         | \$28,000                          | \$0                            |
| Outsourcing Tests            | \$1,900,000                       | \$1,900,000                    |
| Forensic Accreditation Fee   | \$1,500                           | \$1,500                        |
| Forensic Training            | \$15,000                          | \$15,000                       |
| Centrally Appropriated Costs | \$77,195                          | \$93,449                       |
| <b>Total Costs</b>           | <b>\$2,341,401</b>                | <b>\$2,396,185</b>             |
| <b>Total FTE</b>             | <b>3.3 FTE</b>                    | <b>4.0 FTE</b>                 |

### Judicial Department

In FY 2026-27 only, costs in the Judicial Department will increase by \$220,218 to update IT systems to implement alias requests, including its case management system, e-filing system, any posted or published dockets, reports, and other automated documents to allow for this capability. Due to the different systems impacted, it is estimated that work will take 5 months and require contracted staff of one business analyst at \$121 per hour and one computer programmer at \$133 per hour.

**Table 2B**  
**State Expenditures**  
**Judicial Department**

| <b>Cost Component</b> | <b>Budget Year<br/>FY 2026-27</b> | <b>Out Year<br/>FY 2027-28</b> |
|-----------------------|-----------------------------------|--------------------------------|
| Business Analyst      | \$104,907                         | \$0                            |
| Computer Programmer   | \$115,311                         |                                |
| <b>Total Costs</b>    | <b>\$220,218</b>                  | <b>\$0</b>                     |
| <b>Total FTE</b>      | <b>0.0 FTE</b>                    | <b>0.0 FTE</b>                 |

### **Office of the Child's Representative**

To the extent guardians ad litem are designated as a lawful representative, costs in the office will increase. The fiscal note assumes such appointments will be minimal and no change in appropriation is required.

### **Centrally Appropriated Costs**

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in the tables above.

### **Local Government**

Workload to district attorney offices will increase to notify victims of post-conviction hearings and to coordinate any requests for retesting. District attorney offices are funded by the counties within the judicial district.

### **Effective Date**

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

### **State Appropriations**

For FY 2026-27, the bill requires a General Fund appropriation of \$2,484,424 including:

- \$2,264,206 to the Department of Public Safety, and 3.3 FTE; and
- \$220,218 to the Judicial Department.

## State and Local Government Contacts

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District Attorneys

Public Safety

Judicial