



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

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| Drafting Number: | LLS 21-0316 | Date: | August 4, 2021 |
| Prime Sponsors: | Rep. Froelich; Soper Sen. Danielson | Bill Status: | Signed into Law |
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Bill Topic: PROTECT SURVIVORS' RIGHTS TO RAPE KIT EVIDENCE

Summary of Fiscal Impact:

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| <input checked="" type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

This bill requires medical professionals to make certain disclosures to victims of sexual assault, and allows victims to be informed of and object to evidence destruction in certain cases. Beginning in FY 2021-22, it will minimally increase state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Summary of Legislation

This bill requires medical professionals to make certain disclosures to sexual assault victims, and requires notifications regarding and permits objections to evidence destruction.

Notifications from medical professionals. The bill requires medical professionals performing a medical forensic examination to inform the victim:

- of the contact information for the nearest sexual assault victim's advocate if the victim makes a law enforcement report;
- of the contact information for the nearest community-based victim advocate if the victim makes a medical or an anonymous report; and
- that any forensic medical evidence collected must be maintained until after the assailant may no longer be prosecuted for the crime and that the victim must be notified prior to the destruction of such evidence.

Notifications regarding evidence testing and objections to evidence destruction. The bill requires certain victim notifications and opportunities for objection related to forensic medical evidence where the related case has not resulted in a conviction or plea of guilty, including the right;

- to be notified that the forensic medical evidence has been submitted to an accredited crime lab for testing;
- to be notified when the law enforcement agency has received the results of the medical forensic evidence DNA analysis from the accredited crime laboratory;
- to be informed whether a DNA sample was obtained from the analysis and whether or not there are matches in state or federal databases;
- to be informed at least 60 days prior to the destruction of forensic medical evidence collected in connection with the alleged sex offense;
- to file, prior to the expiration of the 60-day period, an objection with the law enforcement agency, the Colorado Bureau of Investigations, or the accredited crime laboratory that is proposing to destroy the forensic medical evidence;
- to be informed of any change in status of the case, including if the case has been closed or reopened; and
- to receive a physical document identifying the rights under law after the exam has been completed.

The bill requires the law enforcement agency to maintain the medical evidence until the statute of limitation has run out on the crime and for an additional 10 years if the victim objects to its destruction.

State Revenue and Expenditures

This bill may minimally increase state revenue and expenditures on an ongoing basis beginning in FY 2021-22 in the Judicial Department, the Department of Public Safety, and the Department of Regulatory Agencies.

Judicial Department. To the extent that a longer timeframe for maintaining evidence leads to additional case filings and convictions, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, are assumed to be minimal and no change in appropriations is required.

Departments of Public Safety and Regulatory Agencies. Workload in the Department of Public Safety will increase for the Colorado Bureau of Investigations to perform the notifications requirements related to forensic medical evidence. The Department of Regulatory Agencies will need to update its materials to reflect the notification requirements for medical professionals created by the bill. These workload increases are assumed to be minimal and no change in appropriations is required.

Local Government

Similar to state, to the extent that there is an increase in case filings, this bill may have an impact on local government agencies and courts. Workload will increase for the District Attorney offices to ensure the victim rights notifications required by the bill reach affected clients, and to prosecute any additional case filings. Local law enforcement costs may also increase as a result of maintaining evidence for longer periods and to issue notifications required by the bill.

Effective Date

This bill was signed into law by the Governor and took effect on May 27, 2021.

State and Local Government Contacts

District Attorneys
Law
Sheriffs

Information Technology
Public Safety

Judicial
Regulatory Agencies