



# *Submission of Sexual Assault Kits to the CBI Forensic Services*

CRS 24-33.5-113

(aka HB13-1020)



**COLORADO**  
Department of Public Safety





The Colorado legislature passed CRS 24-33.5-113 (commonly referred to as HB13-1020) in 2013.

This law requires submission of nearly all sexual assault evidence kits to an accredited forensic laboratory.

The law further required the Colorado Department of Public Safety to put together the rules committee to determine the specific rules to be used in the law.

*The rules as determined by that committee and accepted according to Colorado rulemaking policy can be viewed at the Colorado Secretary of State's website at the following link:*

**[8 CCR 1507-29](#)**

*The law requires a sexual assault evidence kit to be submitted to a forensic lab within 21 days of receipt from a medical facility. The rules require all kits be submitted unless:*

*1) the victim does not consent to submission of the kit.  
[See consent form also posted on the CBI-FS website.]*

*2) the law enforcement agency is able to provide corroborated evidence of a false report within the 21 days before the required submission.*

*All other kits must be submitted to an accredited forensic laboratory.*

*The rules committee made these rules effective March 1, 2014.*

*The law further requires all sexual assault exams in which kits are collected to use the same consent form and consent to either a Law Enforcement Report or a Medical Report. The rules committee developed a form that documents either of these consents required in the state of Colorado. This consent form has been updated most recently in March of 2023.*

*The consent form is already included in the Colorado Victim kit sold by SIRCHIE (CBIFS100).*

*The law requires the forensic laboratories accepting these sexual assault kits to do the analysis and upload any qualifying DNA profiles into CODIS as a priority.*

*To follow this intent of the law the CBI-FS requests our law enforcement agencies make every effort to obtain and submit all appropriate buccal swabs when the kit is submitted. The kit will be accepted, however, if those buccals cannot be obtained. Please note reasons buccals could not be obtained in the submission cover letter.*

*Please note that certain kits that are collected as Anonymous Kits under SB 128 (revisions in C.R.S 12-36-135) offer victims another reporting option as an anonymous report.*

*These kits CANNOT be tested at an accredited forensic lab, unless the victim converts their report to a medical or law enforcement report.*

# Sexual Assault Kit Testing Legislation

## HB21-1143

*Signed into law on May 27, 2021*

*Establishes rights afforded to victims \*upon request\*:*

*To be notified that the kit was submitted to an accredited lab for testing*

*To be notified when the law enforcement agency has received the results of the laboratory testing*

*To be informed of whether a DNA sample was obtained and whether or not there are matches to profiles in state or federal databases*

*To be informed at least 60 days prior to destruction of kit*

*To file an objection to the destruction of the kit*

*To be informed of any change in status of the case (including closure or reopening)*

*To receive a physical document identifying the rights under the law after the exam has been completed*



# Sexual Assault Kit Testing Legislation

## HB21-1143

- *Licensee or nurse who performs the medical forensic examination SHALL inform the victim:*

*Contact information for the nearest sexual assault victim's advocate if the victim makes a law enforcement report*

*Of contact information for the nearest community-based victim advocate if the victim makes a medical or anonymous report*

*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 evidence*

*Did NOT provide funding for a kit tracking system*

*Full text:*

[https://leg.colorado.gov/sites/default/files/2021a\\_1143\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2021a_1143_signed.pdf)

# Sexual Assault Kit Poster - Quick Reference Guide for Law Enforcement agencies

**updated May 2023**

Please reach out if you  
would like a poster size  
print of this guide

available on CBI Forensic  
Services website as well

## Colorado Sexual Assault Evidence Collection Kit Quick Reference Guide

**PICK UP SEXUAL ASSAULT EVIDENCE COLLECTION KITS  
WITHIN 7 DAYS**

### Consent

**COLORADO SEXUAL ASSAULT CONSENT and INFORMATION FORM** (see C.R.S. 12-240-139)

► You have the right to have this form explained and all of your questions answered. Please initial and sign where appropriate. You will receive a copy of this form after it is completed.

Law Enforcement Agency: \_\_\_\_\_ Case #: \_\_\_\_\_  
Officer Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

**Medical Forensic Exam Consent**

► I consent to a medical forensic exam. I understand I can stop the exam at any time and can decline any portion of the exam or collection of any sample.

**Reporting Decision Consent**  
(Select One Option Only: A OR B)

**Option A (Law Enforcement Option)**  
Initial below

► I am choosing to make a report to law enforcement. I give permission for evidence collected during my sexual assault exam to be provided to law enforcement for use in investigation(s) and potential prosecution(s). I understand the investigating law enforcement agency will be given my name and contact information.

**Option B (Medical Reporting Option)**  
Initial below

► At this time, I am choosing the medical reporting option. Therefore, I am choosing not to participate in a law enforcement investigation. I understand law enforcement will be given my name and I also understand that I can change my mind and later choose to have law enforcement conduct an investigation. (For ages 18-69 only)

**Evidence Kit Consent**  
(Select One Option Only: 1 OR 2)

**Option 1 (Evidence Kit testing)**  
Initial below

► I am also consenting for law enforcement to send the collected evidence to a forensic lab for analysis. I understand law enforcement may submit the evidence to a lab no later than 31 days after receiving it, per Colorado law. I understand the evidence will be analyzed and law enforcement will receive the forensic results for the purposes of investigation(s) and potential prosecution(s) OR to maintain a record of the results.

**Option 2 (Evidence Kit storage)**  
Initial below

► I do NOT consent to have my evidence tested by a forensic lab. I understand that the evidence will only be stored at a law enforcement agency. I understand I can change my mind, make a report to law enforcement and have the evidence analyzed at a forensic lab. (For ages 18-69 only)

**Withdrawal of Consent for Evidence Analysis/ Provision of Forensic Results to Law Enforcement**

► I understand I may withdraw my consent for evidence analysis/provision of forensic results to law enforcement by contacting the law enforcement agency listed on this form. I understand the withdrawal of consent becomes effective when law enforcement verifies my identity but will not apply to any actions already taken. I understand that once analysis has begun, consent cannot be withdrawn. (For ages 18-69 only)

**Notification to patient:** Evidence collected must be maintained until the suspect may no longer be prosecuted for the crime. You may contact the law enforcement agency to request notification 60 days prior to the destruction of this evidence.

Printed Patient Name \_\_\_\_\_ Patient Signature \_\_\_\_\_ Date \_\_\_\_\_  
Printed Witness Name/Title \_\_\_\_\_ Witness Signature \_\_\_\_\_ Date \_\_\_\_\_

March 2023 White Copy - Include with Kit Yellow Copy - Law Enforcement (Include kit) Pink Copy - Medical Records Gold Copy - Patient

MUST be submitted to the laboratory **within 21 days** if the victim initialed Option 1 (★) in the Evidence Consent section regardless of the selection in the Reporting Decision Consent section. **If the victim was under 18 or over 69 at the time of the assault, the kit must be submitted regardless of consent.**

### Anonymous Report

**ANONYMOUS Reporting Patients Only**

**COLORADO SEXUAL ASSAULT ANONYMOUS CONSENT and INFORMATION FORM**  
(see C.R.S. 12-240-139)

Anonymous reporting is ONLY an option for patients who are 18 to 69 years old, and NOT intellectually or developmentally disabled. Mandatory reporting laws prevent minors under 18 and adults 70 years and older from anonymously reporting a sexual assault.

► You have the right to have this form explained and all of your questions answered. Please initial and sign where appropriate. You will receive a copy of this form after it is completed.

Law Enforcement Agency: \_\_\_\_\_ Case #: \_\_\_\_\_  
Officer Name: \_\_\_\_\_ Unique Identifier # \_\_\_\_\_  
Phone #: \_\_\_\_\_ (if different than LE case #)

**Medical Forensic Exam Consent**

► I consent to a medical forensic exam. I understand I can stop the exam at any time and can decline any portion of the exam or collection of any sample.

**Reporting Decision Consent (both must be initialed by patient)**

► At this time, I am choosing to make an anonymous report. I understand I will have evidence collected that will be stored anonymously at a law enforcement agency. I understand that law enforcement will not be given my name or other identifying information. I understand I can change my mind and later report to law enforcement by providing the unique identifying number given to me.

► I understand that the evidence will NOT be submitted to a forensic lab for analysis. I understand I can change my mind, make a report to law enforcement and have the evidence analyzed at a forensic lab, but must provide my name and contact information to law enforcement. I understand that evidence collected must be maintained until the suspect may no longer be prosecuted for the crime.

Printed Patient Name \_\_\_\_\_ Patient Signature \_\_\_\_\_ Date \_\_\_\_\_  
Printed Witness Name/Title \_\_\_\_\_ Witness Signature \_\_\_\_\_ Date \_\_\_\_\_

White Copy - Include with Kit Pink Copy - Medical Records Gold Copy - Patient  
March 2023

CANNOT be submitted to the laboratory UNLESS the victim updates their reporting option. If they do so, provide the new consent form at the time of submission to the Laboratory (see left.)

### STORAGE RECOMMENDATIONS

Type of Evidence	Storage Condition
Blood Tube	Refrigerated
Urine Cup	Refrigerated
Sexual Assault Kits	Room temperature (see retention guideline on consent form)
Condoms	<ul style="list-style-type: none"> <li>If tied: frozen</li> <li>If untied and dry: room temperature</li> <li>If untied and cannot be dried: frozen</li> </ul>
Tampons	<ul style="list-style-type: none"> <li>Dry and store at room temperature</li> <li>If cannot be dried: frozen</li> </ul>
Buccal Swabs	Room temperature
Clothing/Bedding	Room temperature

### FAQs

How do I package the SANE kit?

- Do not package in additional layers of packaging
- Keep separate from other evidence

What should I send to the CBI Laboratory for testing?

- Sexual assault kit
- Toxicology samples (if applicable)
- Buccal swab standards for comparison and elimination
- Contact the laboratory prior to submitting additional items (e.g. bedding, clothing, condoms)

What DNA reference samples are needed for testing?

- Victim buccal swabs - often in the SANE kit
- Suspect(s) buccal swabs - for comparison and statistics
- Consensual partner's buccal swabs - for elimination purposes

Submit buccal swabs from suspect(s) and consensual partner(s) as soon as possible, but do not delay submission of sexual assault kits.

### ADDITIONAL RESOURCES

CBI Resources:



CO Division of Criminal Justice Resources:



Other Colorado Resources:



Federal Resources:



CBI Denver Laboratory  
6000 W 54th Ave.  
Arvada, CO 80002  
(303)463-7000

CBI Grand Junction Laboratory  
2797 Justice Dr.  
Grand Junction, CO 81506  
(970)248-7500



CBI Pueblo Laboratory  
79 N Silicon Dr.  
Pueblo West, CO 81007  
(719)647-5999

Northern Colorado Regional  
Forensic Laboratory  
2329 115th Ave.  
Greeley, CO 80634  
(970)400-3638

# Sexual Assault Kit Tracking

- ***May 2023 - House Bill 2023-1199***

Forensic Medical Evidence Process Improvements Bill

<https://leg.colorado.gov/bills/hb23-1199>

“The act requires CDPS to develop and maintain a statewide system for victim’s of alleged sexual assault to monitor the status of the sexual assault evidence collection kit”

Bill states the implementation - by June 30, 2025

The tracking of kits and payment of the services to collect a Forensic Medical Exam with involve all medical care facilities treating victims of sexual assault, Law Enforcement Agencies, Forensic Laboratories, District Attorney Offices and the Court system.

Additional informational will be available in the coming months



If you still have questions regarding submission  
of sexual assault kits and the law please  
contact:

Carrie Davis  
Laboratory Manager, Biological Sciences  
(303)-463-7021  
[Carrie.davis@state.co.us](mailto:Carrie.davis@state.co.us)

or

Stefanie Trahey  
Laboratory Director, CBI Forensic Services Pueblo  
(719)-647-5970  
[stefanie.trahey@state.co.us](mailto:stefanie.trahey@state.co.us)