



Colorado  
Legislative  
Council  
Staff

SB16-065

FINAL  
FISCAL NOTE

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

Drafting Number: LLS 16-0481  
Prime Sponsor(s): Sen. Steadman  
Rep. Lee

Date: July 28, 2016  
Bill Status: Signed into Law  
Fiscal Analyst: Kerry White (303-866-3469)

**BILL TOPIC:** RESTITUTION IN CRIMINAL CASES

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
<b>State Revenue</b> Cash Funds	Potential shift — see State Revenue section.	
<b>State Expenditures</b>	Workload increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing workload increase.		

#### Summary of Legislation

This bill modifies the treatment of restitution for criminal offenses. Specifically, it clarifies that a restitution order is in effect until paid in full or until two years after the offender's death. Two years after the presentation of the defendant's original death certificate to the clerk of court or the court collections investigator, the court may terminate the remaining balance of the judgment and order for restitution if, after notice, the district attorney does not object and there is no evidence of a continuing source of income of the defendant to pay restitution. This termination does not affect an associated judgment against another defendant.

**Interest and payments.** The bill lowers the amount of interest on unpaid restitution that may accrue from 12 percent per year to 8 percent per year from the date of the entry of the order, but interest may not be compounded. The clerk of the court may adjust the unpaid balance in the case upon proof that any restitution or related interest amounts have been or will be satisfied outside of the court registry and receipting process. Any accounting adjustments do not modify a court's order.

**Expungement of juvenile records.** The bill allows juvenile delinquency records to be expunged upon satisfaction of a restitution order or by being current with a restitution payment plan with the court. If the defendant on a payment plan fails to make required payments, the court collections investigator may, following notice, file a motion with the court to have the order of expungement reversed.

**Mandatory revocations of driver's licenses and permits.** The bill removes the requirement that the Department of Revenue (DOR) receive proof of satisfaction of any order for restitution prior to reinstatement.

### **State Revenue**

This bill may result in earlier reinstatement of drivers' licenses, which would shift the timing of payment of reinstatement fees received by the DOR. The fee for reinstatement is \$95, credited to the Licensing Services Cash Fund.

### **State Expenditures**

Overall, this bill will increase workload beginning in FY 2016-17.

**Judicial Department.** The bill increases workload for the trial courts by a minimal amount to terminate restitution orders as a result of a defendant's death, to adjust account balances based upon payments made outside the court registry program, and to petition the court to reverse expungements when a juvenile delinquent fails to make required payments. These workload increases are minimal and are not expected to require an increase in appropriations.

**Department of Revenue.** By removing the requirement that the DOR receive proof of satisfaction of any order for restitution prior to reinstatement, the bill could shift the timing and workload for processing reinstatements.

### **Local Government Impact**

This bill will increase workload for district attorneys if they choose to object to terminations of restitution orders. This workload increase is anticipated to be minimal.

### **Effective Date**

The bill was signed into law by the Governor on June 10, 2016. The bill became effective on July 1, 2016 and applies to orders entered on or after that date.

### **State and Local Government Contacts**

Corrections  
Judicial

District Attorneys

Information Technology