

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 17, 2016  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB16-065 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 18-1.3-603, **amend**  
4 (4) (a), (4) (b) introductory portion, and (4) (b) (I); and **add** (4) (e) as  
5 follows:

6 **18-1.3-603. Assessment of restitution - corrective orders.**  
7 (4) (a) (I) Any order for restitution entered pursuant to this section ~~shall~~  
8 ~~be~~ IS a final civil judgment in favor of the state and any victim.  
9 Notwithstanding any other civil or criminal statute or rule, any such  
10 judgment ~~shall remain~~ REMAINS in force until the restitution is paid in  
11 full. The provisions of article 18.5 of title 16, C.R.S., apply  
12 notwithstanding the termination of a deferred judgment and sentence or  
13 a deferred adjudication.

14 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF  
15 THIS PARAGRAPH (a), TWO YEARS AFTER THE PRESENTATION OF THE  
16 DEFENDANT'S ORIGINAL DEATH CERTIFICATE TO THE CLERK OF THE COURT  
17 OR THE COURT COLLECTIONS INVESTIGATOR, THE COURT MAY TERMINATE  
18 THE REMAINING BALANCE OF THE JUDGMENT AND ORDER FOR RESTITUTION  
19 IF, FOLLOWING NOTICE BY THE CLERK OF THE COURT OR THE COURT  
20 COLLECTIONS INVESTIGATOR TO THE DISTRICT ATTORNEY, THE DISTRICT  
21 ATTORNEY DOES NOT OBJECT AND THERE IS NO EVIDENCE OF A  
22 CONTINUING SOURCE OF INCOME OF THE DEFENDANT TO PAY RESTITUTION.

1 THE TERMINATION OF A JUDGMENT AND ORDER PURSUANT TO THIS  
2 SUBPARAGRAPH (II) DOES NOT TERMINATE AN ASSOCIATED JUDGMENT  
3 AGAINST A DEFENDANT WHO IS JOINTLY AND SEVERALLY LIABLE WITH THE  
4 DECEASED DEFENDANT.

5 (b) Any order for restitution made pursuant to this section ~~shall~~ IS  
6 also ~~be deemed to~~ AN order that:

7 (I) The defendant owes SIMPLE interest from the date of the entry  
8 of the order at the rate of ~~twelve~~ EIGHT percent per annum; and

9 (e) THE CLERK OF THE COURT IS AUTHORIZED TO ADJUST THE  
10 UNPAID BALANCE IN THE CASE UPON PROOF THAT ANY RESTITUTION OR  
11 RELATED INTEREST AMOUNTS HAVE BEEN OR WILL BE SATISFIED OUTSIDE  
12 OF THE COURT REGISTRY AND RECEIPTING PROCESS REGARDLESS OF WHEN  
13 THE RESTITUTION ORDER AND JUDGMENT WERE ENTERED. THE  
14 ACCOUNTING ADJUSTMENT DOES NOT MODIFY A COURT'S ORDER.

15 **SECTION 2.** In Colorado Revised Statutes, 42-2-125, **repeal**  
16 (2.8) as follows:

17 **42-2-125. Mandatory revocation of license and permit.** (2.8) ~~A~~  
18 ~~person whose license has been revoked pursuant to paragraph (o) of~~  
19 ~~subsection (1) of this section shall not be eligible for reinstatement of his~~  
20 ~~or her license until the department receives proof that the person has~~  
21 ~~satisfied any order for restitution entered in connection with the~~  
22 ~~conviction.~~

23 **SECTION 3.** In Colorado Revised Statutes, 19-1-306, **add** (5) (c)  
24 (II.5); and **repeal** (7) (e) as follows:

25 **19-1-306. Expungement of juvenile delinquent records.**  
26 (5) (c) The court may order expunged all records in the petitioner's case  
27 in the custody of the court and any records in the custody of any other  
28 agency or official if at the hearing the court finds that:

29 (II.5) (A) THE PETITIONER HAS SATISFIED COURT-ORDERED  
30 RESTITUTION OR IS CURRENT ON A RESTITUTION REPAYMENT AGREEMENT  
31 WITH THE COURT COLLECTIONS INVESTIGATOR THAT HAS BEEN ENTERED  
32 IN THE ELECTRONIC CASE RECORD TO MAKE PAYMENT ON A SCHEDULE  
33 PURSUANT TO SECTION 16-18.5-104 (4), C.R.S.

34 (B) IF, FOLLOWING THE ENTRY OF AN ORDER OF EXPUNGEMENT  
35 UNDER THIS SECTION, A PETITIONER FAILS TO MAKE REQUIRED PAYMENTS  
36 ON A RESTITUTION REPAYMENT AGREEMENT, A COURT COLLECTIONS  
37 INVESTIGATOR MAY, FOLLOWING NOTICE TO THE PETITIONER, FILE A  
38 MOTION WITH THE COURT THAT ENTERED THE ORDER TO HAVE THE ORDER  
39 OF EXPUNGEMENT REVERSED.

40 (7) The following persons are not eligible to petition for the  
41 expungement of any juvenile record:

1 (e) ~~Any person who has failed to pay court-ordered restitution to~~  
2 ~~a victim of the offense that is the basis for the juvenile record.~~

3 **SECTION 4. Effective date - applicability.** This act takes effect  
4 July 1, 2016, and applies to orders entered on or after said date.

5 **SECTION 5. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.".

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