

CHAPTER 109

COURTS

SENATE BILL 17-125

BY SENATOR(S) Guzman, Crowder, Fenberg, Fields, Garcia, Hill, Jones, Kagan, Kefalas, Kerr, Merrifield, Moreno, Tate, Todd, Williams A.;
also REPRESENTATIVE(S) Pabon, Arndt, Becker K., Benavidez, Esgar, Exum, Foote, Herod, Hooton, Kraft-Tharp, Lebsock, Lee, Lontine, McKean, Melton, Michaelson Jenet, Mitsch Bush, Saine, Salazar, Van Winkle, Weissman, Williams D., Young, Duran.

AN ACT

CONCERNING ALLOWING CERTAIN PERSONS WHO HAVE BEEN EXONERATED OF CRIMES TO RECEIVE IN LUMP-SUM PAYMENTS COMPENSATION THAT IS OWED TO THEM BY THE STATE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 13-3-114, **add** (8) as follows:

13-3-114. State court administrator - compensation for exonerated persons - definitions - annual payments - child support payments - financial literacy training - qualified health plan - damages awarded in civil actions - reimbursement to the state. (8) (a) AT ANY POINT AFTER THE STATE COURT ADMINISTRATOR MAKES AN ANNUAL PAYMENT TO AN EXONERATED PERSON PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE EXONERATED PERSON MAY ELECT TO RECEIVE THE REMAINING BALANCE OF THE STATE'S DUTY OF MONETARY COMPENSATION IN A LUMP SUM BY:

(I) NOTIFYING THE STATE COURT ADMINISTRATOR, THE GOVERNOR, AND THE GENERAL ASSEMBLY OF SUCH ELECTION, WHICH NOTIFICATION MUST BE PROVIDED IN WRITING;

(II) COMPLETING A PERSONAL FINANCIAL MANAGEMENT INSTRUCTION COURSE;
AND

(III) ACQUIRING AND COMMITTING TO MAINTAIN A QUALIFIED HEALTH INSURANCE PLAN.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) UPON RECEIVING WRITTEN DOCUMENTATION THAT AN EXONERATED PERSON HAS SATISFIED THE REQUIREMENTS DESCRIBED IN SUBSECTION (8)(a) OF THIS SECTION, THE STATE COURT ADMINISTRATOR SHALL PAY TO THE EXONERATED PERSON THE BALANCE OF THE STATE'S DUTY OF MONETARY COMPENSATION NOT LATER THAN ONE YEAR AFTER RECEIVING SUCH WRITTEN DOCUMENTATION.

SECTION 2. In Colorado Revised Statutes, 13-65-103, **amend** (2)(f) as follows:

13-65-103. Compensation for certain exonerated persons - monetary compensation - financial literacy training - penalty for lack of a qualified health plan - expungement of records - damages awarded in civil actions. (2) A district court that directs the state court administrator to compensate an exonerated person or an immediate family member of an exonerated person pursuant to this section shall reduce the directions to writing and include within the directions:

(f) A statement notifying the person and the state court administrator that, pursuant to section 24-30-209 (4), ~~C.R.S.~~, the exonerated person is required to complete a personal financial management instruction course before the state court administrator may issue to the exonerated person more than one annual payment of monetary compensation OR A LUMP-SUM PAYMENT, AS DESCRIBED BY SECTION 13-3-114 (8);

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 4, 2017