

CHAPTER 148

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 95-1043

BY REPRESENTATIVES Friednash, Kreutz, Lamm, and Snyder;
also SENATORS Blickensderfer, Mares and Perlmutter.

AN ACT**CONCERNING THE MAXIMUM AMOUNT OF DAMAGES RECOVERABLE AGAINST PARENTS FOR THE ACTS OF MINORS.**

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

SECTION 1. 19-2-703 (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-703. Juvenile delinquent - sentencing - disposition - restitution - parental liability. (4) (a) If the court finds that a juvenile who receives a deferral of adjudication or who is adjudicated a juvenile delinquent has damaged the personal or real property of a victim, that the victim's personal property has been lost, or that personal injury has been caused to a victim as a result of the juvenile's delinquent act, the court shall enter a sentencing order requiring the juvenile to make restitution for actual damages done to persons or property; except that the court shall not order restitution if it finds that monetary payment or payment in kind would cause serious hardship or injustice to the juvenile.

(b) Such order shall require payment of insurers and other persons or entities succeeding to the rights of the victim through subrogation or otherwise, if appropriate. Restitution shall be ordered in a reasonable amount to be paid in a reasonable manner, as determined by the court.

(c) (I) The court may order the ~~parent~~ guardian or legal custodian of the juvenile to make restitution pursuant to the terms and conditions set forth in this ~~subsection (4)~~ SUBPARAGRAPH (I); except that the liability of the ~~parent~~, guardian or legal custodian of the juvenile under this ~~subsection (4)~~ SUBPARAGRAPH (I) shall not exceed the damages as set forth in section 13-21-107, C.R.S., for any one delinquent act. If the

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

court finds, after a hearing, that the ~~parent~~, guardian or legal custodian of the juvenile has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the court ~~may~~ SHALL absolve the ~~parent~~ GUARDIAN OR LEGAL CUSTODIAN of liability for restitution under this ~~subsection (4)~~ SUBPARAGRAPH (I).

(II) THE COURT MAY ORDER THE JUVENILE'S PARENT TO MAKE RESTITUTION PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN THIS SUBPARAGRAPH (II); EXCEPT THAT THE LIABILITY OF THE JUVENILE'S PARENT UNDER THIS SUBPARAGRAPH (II) SHALL NOT EXCEED THE AMOUNT OF FIVE THOUSAND DOLLARS FOR ANY ONE DELINQUENT ACT. IF THE COURT FINDS, AFTER A HEARING, THAT THE JUVENILE'S PARENT HAS MADE DILIGENT, GOOD FAITH EFFORTS TO PREVENT OR DISCOURAGE THE JUVENILE FROM ENGAGING IN DELINQUENT ACTIVITY, THE COURT SHALL ABSOLVE THE PARENT OF LIABILITY FOR RESTITUTION UNDER THIS SUBPARAGRAPH (II). AS USED IN THIS SUBPARAGRAPH (II), "PARENT" HAS THE SAME MEANING AS IN SECTION 19-1-103 (21).

SECTION 2. Effective date. This act shall take effect July 1, 1995.

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: May 22, 1995