

CHAPTER 224

CRIMINAL LAW AND PROCEDURE

SENATE BILL 00-092

BY SENATORS Linkhart, Anderson, Lamborn, Reeves, Hernandez, and Pascoe;
also REPRESENTATIVES Leyba, Clarke, Taylor, Young, Coleman, Mace, Miller, Paschall, Ragsdale, Smith, and Vigil.

AN ACT

CONCERNING PROBATION SUPERVISION FEES.

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

SECTION 1. 16-11-204 (2) (a) (V), Colorado Revised Statutes, is amended to read:

16-11-204. Conditions of probation. (2) (a) When granting probation, the court may, as a condition of probation, require that the defendant:

(V) Pay reasonable costs of the court proceedings or costs of supervision of probation, or both. ~~When the payment of costs of court or probation supervision is a condition of probation, the court shall fix the amount thereof, which shall not exceed an amount the defendant can or will be able to pay, and shall fix the manner of performance. The initial probation supervision fee regardless of the level of supervision, shall be fifty dollars, plus five THIRTY-FIVE dollars per month for the length of ordered probation. if the charge is a misdemeanor or petty offense, including traffic offenses. If the charge is a felony, for sentences imposed prior to July 1, 1996, the fee shall be twenty dollars per month, for sentences imposed on or after July 1, 1996, and, prior to July 1, 1997, the fee shall be thirty dollars per month, and, for sentences imposed on or after July 1, 1997, the fee shall be thirty-five dollars per month.~~ NOTWITHSTANDING THE AMOUNT SPECIFIED IN THIS SUBPARAGRAPH (V), THE COURT MAY LOWER THE COSTS OF SUPERVISION OF PROBATION TO AN AMOUNT THE DEFENDANT WILL BE ABLE TO PAY. THE COURT SHALL FIX THE MANNER OF PERFORMANCE FOR PAYMENT OF THE FEE. IF THE DEFENDANT RECEIVES PROBATION SERVICES FROM A PRIVATE PROVIDER, THE COURT SHALL ORDER THE DEFENDANT TO PAY THE PROBATION SUPERVISION FEE DIRECTLY TO THE PROVIDER. The fee shall be imposed ~~according to~~ FOR the length of ordered probation.

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

SECTION 2. 16-11-214, Colorado Revised Statutes, is amended to read:

16-11-214. Fund created - adjunct probation services - unsupervised probation. (1) There is hereby created in the state treasury the offender services fund to which shall be credited ~~twenty~~ ONE HUNDRED percent of ~~the~~ ANY COST OF CARE PAYMENTS OR probation supervision fees ~~collected~~ PAID TO THE STATE pursuant to section 16-11-204 (2) (a) (V) OR SECTION 19-2-114 (1), C.R.S., and from which the general assembly shall make annual appropriations for adjunct ADULT AND JUVENILE probation services in the judicial department, including treatment services, contract services, drug and alcohol treatment services, and program development, and for associated administrative and personnel costs. Any moneys remaining in said fund at the end of any fiscal year shall not revert to the general fund.

(2) ~~The remaining eighty percent of such fees shall be credited to the general fund.~~

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 26, 2000