

CHAPTER 37

COURTS

SENATE BILL 03-186

BY SENATOR(S) Owen, Reeves, Teck, Anderson, and Fitz-Gerald;
also REPRESENTATIVE(S) Young, Plant, and Witwer.

AN ACT

CONCERNING AN INCREASE IN FEES COLLECTED BY THE JUDICIAL DEPARTMENT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 13-32-101 (1) (a), (1) (b), (1) (c), (1) (d), (1) (f), and (5), Colorado Revised Statutes, are amended, and the said 13-32-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

13-32-101. Docket fees in civil actions - judicial stabilization cash fund - support registry fund created. (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (2) of this section and in sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(a) By the petitioner in a proceeding for dissolution of marriage, legal separation, or declaration of invalidity of marriage and by the petitioner in an action for a declaratory judgment concerning the status of marriage, prior to July 1, 2003, a fee of ninety dollars, and, on or after July 1, 2003, a fee of one hundred thirty dollars; fifteen dollars of such fee shall be transmitted to the state treasurer for deposit in the Colorado children's trust fund, created in section 19-3.5-106, C.R.S., and, on and after July 1, 2002, the remainder shall be transmitted to the state treasurer for deposit in the family stabilization services fund, created in section 19-1-125, C.R.S.; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE SHALL BE INCREASED BY FORTY-FIVE DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (1.5) OF THIS

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.

(b) By the respondent in a proceeding for dissolution of marriage, legal separation, or declaration of invalidity of marriage and by the respondent to an action for a declaratory judgment concerning the status of marriage, prior to July 1, 1997, a fee of forty dollars, and, on or after July 1, 1997, a fee of forty-five dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE SHALL BE INCREASED BY TWENTY-FIVE DOLLARS AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (1.5) OF THIS SECTION.

(c) (I) Except as provided in subparagraph (II) of this paragraph (c), on and after July 1, 1992, by each plaintiff, petitioner, third-party plaintiff, and party filing a cross claim or counterclaim, when a money judgment sought is fifteen thousand dollars or less and such action is commenced in a court of record of appropriate limited jurisdiction, a fee in the amount of thirty dollars and, by each defendant, respondent, third-party defendant, or other party in such court not filing a cross claim or counterclaim, a fee in the amount of twenty-six dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE SHALL BE INCREASED BY FIFTEEN DOLLARS AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (1.5) OF THIS SECTION.

(II) The general assembly hereby declares that docket fees for actions filed in the small claims division of the county court should reflect the range of the monetary jurisdictional limit established for such actions and that such fees should promote access to the courts and reflect appropriate contributions from litigants using the court system based on the money judgment sought in an action. The general assembly hereby declares that it is appropriate to establish docket fees for the small claims division of the county court as follows:

(A) When the money judgment sought by the plaintiff in an action filed in the small claims division of the county court is five hundred dollars or less, a plaintiff shall pay a fee of nine dollars, and a defendant filing an answer without a counterclaim in such an action shall pay a fee of five dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE FOR A PLAINTIFF OR DEFENDANT SHALL BE INCREASED BY FIVE DOLLARS AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (1.5) OF THIS SECTION.

(B) When the money judgment sought in an action filed in the small claims division of the county court exceeds five hundred dollars and is no more than seven thousand five hundred dollars, a plaintiff shall pay a fee of twenty-three dollars, and a defendant filing an answer without a counterclaim in such an action shall pay a fee of fifteen dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE FOR A PLAINTIFF SHALL BE INCREASED BY FIFTEEN DOLLARS AND THE DOCKET FEE FOR A DEFENDANT SHALL BE INCREASED BY TEN DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASES SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (1.5) OF THIS SECTION.

(C) and (D) (Deleted by amendment, L. 2001, p. 1517, § 10, effective September 1, 2001.)

(III) If a defendant files an answer with a counterclaim in an action in the small claims division of the county court, the fee for such answer and counterclaim shall be ten dollars unless the amount of the money judgment sought in the complaint or the counterclaim exceeds five hundred dollars and is no more than seven thousand five hundred dollars, in which case the fee for the answer and counterclaim shall be thirty dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE FOR A DEFENDANT SHALL BE INCREASED BY FIVE DOLLARS UNLESS THE AMOUNT OF THE MONEY JUDGMENT SOUGHT IN THE COMPLAINT OR COUNTERCLAIM EXCEEDS FIVE HUNDRED DOLLARS IN WHICH CASE THE FEE SHALL BE INCREASED BY TEN DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASES SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (1.5) OF THIS SECTION.

(d) By each plaintiff, petitioner, third-party plaintiff, and party filing a cross claim or counterclaim filed in a district court of the state, a fee of ninety dollars, and by each appellant, a fee of fifty dollars; by an appellee and by each defendant or respondent not filing a cross claim or counterclaim, prior to July 1, 1997, a fee of forty dollars, and, on or after July 1, 1997, a fee of forty-five dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE BY EACH PLAINTIFF, PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY, FILING A CLAIM, A CROSS CLAIM, OR A COUNTERCLAIM IN A DISTRICT COURT OF THE STATE SHALL BE INCREASED BY FORTY-FIVE DOLLARS, THE DOCKET FEE FOR EACH APPELLANT SHALL INCREASE BY TWENTY-FIVE DOLLARS, AND THE DOCKET FEE FOR EACH APPELLEE AND FOR EACH DEFENDANT OR RESPONDENT NOT FILING A CROSS CLAIM OR COUNTERCLAIM SHALL INCREASE BY TWENTY-FIVE DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASES SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (1.5) OF THIS SECTION.

(f) By petitioner in adoption proceedings, a fee of ninety dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE SHALL BE INCREASED BY FORTY-FIVE DOLLARS AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (1.5) OF THIS SECTION.

(1.5) THERE IS HEREBY CREATED IN THE STATE TREASURY THE JUDICIAL STABILIZATION CASH FUND, REFERRED TO IN THIS SUBSECTION (1.5) AS THE "FUND", THAT SHALL CONSIST OF ALL FEES REQUIRED TO BE DEPOSITED IN THE FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE EXPENSES OF TRIAL COURTS IN THE JUDICIAL DEPARTMENT. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SUBSECTION (1.5) MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(5) In any proceeding held pursuant to articles 5, 10, 11, 13, and 14 of title 14, C.R.S., where a decree or final or permanent order has been entered and more than sixty days have passed, there shall be assessed at the time of filing a motion to modify, amend, or alter said decree or order, a fee of twenty dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE SHALL BE INCREASED BY SEVENTY DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (1.5) OF THIS SECTION.

SECTION 2. 13-32-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-32-102. Fees in probate proceedings. (3) ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, FOR SERVICES RENDERED BY JUDGES AND CLERKS OF DISTRICT OR PROBATE COURTS IN ALL COUNTIES OF THE STATE OF COLORADO IN PROCEEDINGS HAD PURSUANT TO ARTICLES 10 TO 17 OF TITLE 15, C.R.S., THE FEES SHALL BE INCREASED AS FOLLOWS, AND THE REVENUE GENERATED BY THE INCREASES SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5):

(a) DOCKET FEE AT THE TIME OF FILING FIRST PAPERS IN ANY DECEDENT'S ESTATE ELIGIBLE FOR SUMMARY ADMINISTRATIVE PROCEDURES UNDER SECTION 15-12-1203, C.R.S., OR IN ANY SMALL ESTATE OF A PERSON UNDER DISABILITY QUALIFYING UNDER SECTION 15-14-118, C.R.S., WHICH ESTATE INVOLVES NO REAL PROPERTY \$15.00

(b) DOCKET FEE AT THE TIME OF FILING FIRST PAPERS IN ANY ESTATE NOT COMING WITHIN THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3) 45.00

(c) ADDITIONAL FEE PAYABLE BY PETITIONER AT THE TIME OF FILING A PETITION FOR SUPERVISED ADMINISTRATION OF A DECEDENT'S ESTATE PURSUANT TO SECTIONS 15-12-501 AND 15-12-502, C.R.S., EXCEPT FOR CONTESTED CLAIMS 45.00

(d) DOCKET FEE TO BE PAID BY THE CLAIMANT PRIOR TO HEARING ON ANY CONTESTED CLAIM, WHICH FEE SHALL BE TAXED BY THE DISTRICT OR PROBATE COURT IN THE SAME MANNER AS COSTS IN CIVIL ACTIONS 45.00

(e) REGISTRATION FEE FOR REGISTRATION OF A TRUST PURSUANT TO ARTICLE 16 OF TITLE 15, C.R.S. 45.00

(f) DOCKET FEE AT THE TIME OF FILING FIRST PAPERS IN EACH ACTION RELATING TO A TRUST 45.00

SECTION 3. 13-32-103 (1), (2), (3), and (6), Colorado Revised Statutes, are amended to read:

13-32-103. Docket fees in special proceedings. (1) If an appeal is taken from a judgment of a county court in a criminal matter or from a judgment of a municipal court, the appellant shall pay a docket fee of twenty dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE SHALL BE INCREASED BY TEN DOLLARS AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION

CASH FUND CREATED IN SECTION 13-32-101 (1.5). Such an appeal shall not be subject to the tax imposed by section 2-5-119, C.R.S., for the use of the committee on legal services.

(2) In cases where a motion to dismiss for failure to file a complaint is filed, the defendant shall pay a docket fee of five dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE SHALL BE INCREASED BY TEN DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5).

(3) In cases where a motion to authorize a sale in accordance with the provisions of rule 120, Colorado Rules of Civil Procedure, the applicant shall pay a docket fee of ninety dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE SHALL BE INCREASED BY FORTY-FIVE DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5).

(6) In any supplemental proceeding held pursuant to rule 69, Colorado Rules of Civil Procedure, or rule 369, Colorado Rules of County Court Civil Procedure, the judgment creditor, upon commencement of the proceeding, shall pay a docket fee of fifteen dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE DOCKET FEE SHALL BE INCREASED BY FIFTEEN DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5).

SECTION 4. 13-32-104, Colorado Revised Statutes, is amended to read:

13-32-104. Additional fees of clerks of courts. (1) In addition to the fees provided in sections 13-32-101, 13-32-103, and 13-32-105 (1), the following fees shall be paid to the clerk of the court by the party ordering the same:

(a) For preparing any record on appellate review, or for a copy of any record, proceeding, or paper on file, where the copy is not furnished by the party ordering the same, thirty cents per folio or seventy-five cents per page for photographic copies;

(b) For issuing and docketing each execution, and for filing the sheriff's return of the same, a fee of fifteen dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE FEE SHALL BE INCREASED BY TEN DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5);

(c) For a certificate of dismissal or no suit pending, a fee of five dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE FEE SHALL BE INCREASED BY FIVE DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5);

(d) For a certificate of satisfaction of judgment, a fee of five dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE FEE SHALL BE INCREASED BY FIVE DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5);

(e) For taking acknowledgment of any deed or other conveyance, including clerk's certificate thereof, a fee of one dollar;

(f) For certifying a copy of any record, proceeding, or paper on file, a fee of five dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE FEE SHALL BE INCREASED BY FIVE DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5);

(g) For preparing and issuing a transcript of judgment, a fee of ten dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE FEE SHALL BE INCREASED BY FIVE DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5);

(h) For a certificate of exemplification of any record, proceeding, or paper on file, a fee of five dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE FEE SHALL BE INCREASED BY FIVE DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5);

(i) For each service of process attempted pursuant to section 13-6-415, a fee of the actual charge of the United States postal service for certified mail;

(j) For issuing a writ of garnishment, a fee of fifteen dollars for each garnishee named in the writ; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE FEE SHALL BE INCREASED BY TEN DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5);

(k) For issuing a writ of attachment, a fee of twenty-five dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE FEE SHALL BE INCREASED BY FIFTEEN DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5).

(2) The clerk of the court shall assess a twenty dollar penalty against any person who issues a check returned for insufficient funds in payment of any court fees; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE FEE SHALL BE INCREASED BY TEN DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5). The penalty provided in this section shall be assessed in addition to any other penalties or interest provided by law. For purposes of this section, the term "insufficient funds" means not

having a sufficient balance in account with a bank or other drawee for the payment of a check when presented for payment within thirty days after issue.

SECTION 5. 13-53-106 (1), Colorado Revised Statutes, is amended to read:

13-53-106. Fees. (1) Any person filing a foreign judgment shall pay to the clerk of the court ninety dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE FEE SHALL BE INCREASED BY FORTY-FIVE DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5). Fees for docketing, transcription, or other enforcement proceedings shall be as provided for judgments of the courts of this state.

SECTION 6. 13-71-144, Colorado Revised Statutes, is amended to read:

13-71-144. Jury fees to be assessed in civil cases. Any party demanding a trial by jury as provided by statute shall pay to the clerk of the court a fee of one hundred dollars in district court cases and fifty dollars in county court cases at the time such demand is made pursuant to the Colorado rules of civil procedure. The clerk of the court shall pay such fee, when collected, to the state treasurer for deposit to the credit of the general fund. ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE JURY FEE IN DISTRICT COURT SHALL BE INCREASED BY FIFTY DOLLARS, AND THE JURY FEE IN COUNTY COURT SHALL BE INCREASED BY TWENTY-FIVE DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5). ~~Such~~ THE jury fee is not refundable. Each party to an action who does not affirmatively waive, in writing, the right to a trial by jury on all issues which are so triable shall pay the jury fee. Failure to pay the jury fee at the time of filing the demand, and no later than ten days after the service of the last pleading directed to any issue triable by a jury, shall constitute a waiver of a jury trial by the demanding, nonpaying party.

SECTION 7. 37-92-401 (5), Colorado Revised Statutes, is amended to read:

37-92-401. Biennial tabulations of priorities and decennial abandonment lists. (5) Any person who wishes to protest the inclusion of any water right in a decennial abandonment list after its revision by the division engineer shall file a written protest with the water clerk and with the division engineer. All such protests to the decennial abandonment list shall be filed not later than June 30, 1992, or the respective tenth anniversary thereafter. Such protest shall set forth in detail the factual and legal basis therefor. Service of a copy of the protest or any other documents is not necessary for jurisdictional purposes, but the water judge may order service of a copy of the protest or any other document on any person and in any manner which he OR SHE may deem appropriate. The fee for filing such protest with the water clerk shall be twenty dollars; AND, ON AND AFTER THE EFFECTIVE DATE OF S.B.03-186, THE FEE SHALL BE INCREASED BY TEN DOLLARS, AND THE ADDITIONAL REVENUE GENERATED BY SUCH INCREASE SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5), C.R.S.

SECTION 8. 16-11-204 (2) (a) (V), Colorado Revised Statutes, is amended to

read:

16-11-204. Conditions of probation - repeal. (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. The probation supervision fee shall be ~~forty-five~~ FIFTY dollars per month for the length of ordered probation. 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 for the length of ordered probation.

SECTION 9. Part VIII (4) and (5) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

Section 2. **Appropriation.**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
PART VIII						
JUDICIAL DEPARTMENT						
(4) TRIAL COURTS						
Personal Services ^{131, 134}	82,309,746	82,309,746				
		(1,553.1 FTE)				
Operating Expenses	5,854,957	3,790,119		2,064,838^f		
		610,547		5,244,410 ^g		
Capital Outlay	588,882	588,882				
Mandated Costs ^{135, 136, 137}	9,868,455	9,868,455				
District Attorney Mandated Costs ¹³⁸	2,025,199	2,025,199				
Sex Offender Surcharge Fund Program	15,000	15,000				
Victim Compensation	9,580,000			9,580,000 ^b		
Victim Assistance	14,375,000			14,375,000 ^c		
Family Preservation Matching Funds	216,882	48,814				168,068
		(0.5 FTE)				(0.8 FTE)

Federal Funds and Other Grants	678,627		74,380(T) ^d	604,247 ^e
	<hr/>		(6.0 FTE)	(2.5 FTE)
	125,512,748			

^a ~~This~~ OF THIS AMOUNT, \$3,179,572 SHALL BE FROM THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5), C.R.S., AND \$2,064,838 shall be from various fees and other cost recoveries.

^b This amount shall be from the Crime Victim Compensation Funds established in the office of the court administrator of each judicial district pursuant to Section 24-4.1-117, C.R.S. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

^c This amount shall be from the Victims and Witnesses Assistance and Law Enforcement Funds established in the office of the court administrator of each judicial district pursuant to Section 24-4.2-103, C.R.S. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

^d This amount shall be from federal funds appropriated in the Department of Public Safety, Division of Criminal Justice.

^e This amount is to fund juvenile programs, and an education grant to the State Court Administrator's Office, and is shown for informational purposes only.

(5) PROBATION AND RELATED SERVICES^{7, 8, 139, 140}

Personal Services	41,696,908	40,474,541	1,222,367^e	
		40,232,697	1,464,211 ^a	
		(734.4 FTE)	(30.0 FTE)	
Operating Expenses	1,780,518	1,702,518	78,000 ^a	
Sex Offender Intensive Supervision Program	558,497		558,497 ^a	
Offender Services	2,303,050		2,153,050 ^a	150,000(T) ^b
			(4.5 FTE)	(3.0 FTE)
Electronic Monitoring/ Drug Testing	487,193	487,193		

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Alcohol/Drug Driving Safety Contract	4,504,792			4,297,337 ^e (70.2 FTE)	207,455 ^d (5.6 FTE)	
Drug Offender Assessment	883,035			883,035 ^e (11.5 FTE)		
Substance Abuse Treatment	993,600			993,600 ^f		
Victims Grants	842,821				677,821(T) ^g (12.3 FTE)	165,000 ^h (5.0 FTE)
S.B. 91-94	3,123,260				3,123,260(T) ⁱ (59.3 FTE)	
Sex Offender Assessment	209,000			182,364 ^j	26,636 ^k	
Genetic Testing	7,500			7,500 ^a		
Violent Offender Genetic Testing	10,000	10,000				
Juvenile Sex Offender Genetic Testing	5,000	5,000				
Federal Funds and Other Grants	2,473,739			125,000 ^l (2.0 FTE)	1,587,985(T) ^m (17.8 FTE)	760,754 ⁿ (12.5 FTE)

^a These amounts shall be from the Offender Services Fund pursuant to Section 16-11-214 (1), C.R.S.

^b This amount shall be from federal funds appropriated in the Department of Public Safety, Division of Criminal Justice.

^c This amount shall be from the Alcohol and Drug Driving Safety Program Fund created in Section 42-4-1301 (10) (d).

^d This amount shall be from reserves in the Alcohol and Drug Driving Safety Program Fund created in Section 42-4-1301 (10) (d).

^e This amount shall be from the Drug Offender Surcharge Fund pursuant to Section 18-19-103 (4), C.R.S.

^f Of this amount, \$678,000 shall be from the Offender Services Fund created in Section 16-11-214 (1), C.R.S., and \$315,600 shall be from the Drug Offender Surcharge Fund created in Section 18-19-103 (4), C.R.S.

^g Of this amount, \$500,000 shall be from grants from local Victims and Witnesses Assistance and Law Enforcement (VALE) Boards pursuant to Section 24-4.2-105 (2.5) (a) (II), C.R.S., and \$177,821 shall be from state Victims Assistance and Law Enforcement grant funds appropriated in the Department of Public Safety, Division of Criminal Justice.

^h This amount is to provide a model for victims services in probation departments, and is shown for informational purposes only.

ⁱ This amount shall be from the Department of Human Services, Division of Youth Corrections.

^j This amount shall be from the Sex Offender Surcharge Fund created in Section 18-21-103 (3), C.R.S.

^k This amount shall be from reserves in the Sex Offender Surcharge Fund created in Section 18-21-103 (3), C.R.S.

^l This amount shall be from fees collected pursuant to Section 16-11-701 (6), C.R.S., from persons required to perform community or useful public service.

^m Of this amount, \$990,911 shall be from federal funds appropriated in the Department of Public Safety, Division of Criminal Justice, \$497,589 shall be from federal funds appropriated in the Department of Human Services for juvenile assessment and treatment programs, \$75,000 shall from federal funds appropriated in the Colorado Department of Education for an adult literacy program, and \$24,485 shall be from the Rose Foundation for juvenile programs.

ⁿ These funds are for the Juvenile Justice Treatment Network to establish a community assessment center in Denver, the planning of a drug court in the 8th district, the enhancement of adjudication in domestic violence cases, and are shown for informational purposes only.

TOTALS PART VIII

(JUDICIAL) ^{5, 6, 153}	\$283,139,331	\$227,978,775	\$45,958,287	\$7,267,723 ^a	\$1,934,546
	<u> </u>	<u>\$224,557,359</u>	<u>\$49,379,703</u>	<u> </u>	<u> </u>

^a Of this amount, \$6,466,187 contains a (T) notation.

SECTION 10. 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.

Became Law: March 18, 2003