

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0795.01 Chelsea Princell x4335

HOUSE BILL 26-1232

HOUSE SPONSORSHIP

Espenoza and Bacon,

SENATE SPONSORSHIP

Gonzales J. and Lindstedt,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROHIBITION OF CERTAIN MONETARY ASSESSMENTS
102 AGAINST A JUVENILE IN THE JUSTICE SYSTEM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, courts may not assess or collect administrative fees, costs, and surcharges in juvenile delinquency cases involving a juvenile under the jurisdiction of the juvenile court when a juvenile has been charged with or adjudicated of certain crimes. The bill adds that courts or the state is prohibited from assessing or collecting administrative fees, costs, and surcharges assessed against a juvenile or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

the juvenile's parents, guardian, or legal custodian when the juvenile was under 18 years old when the crime was committed and under 21 years old when the juvenile was sentenced.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) In 2021, the general assembly passed House Bill 21-1315 to
5 eliminate administrative fees and court costs assessed on juveniles, make
6 administrative fees and court costs already assessed against juveniles
7 unenforceable and uncollectable, and vacate court orders that imposed the
8 uncollectable administrative fees and court costs;

9 (b) While the intent of House Bill 21-1315 was to eliminate the
10 assessment and collection of administrative fees and court costs against
11 juveniles, courts have continued to assess administrative fees and court
12 costs against juveniles but have not collected on those assessments;

13 (c) In 2025, the general assembly passed House Bill 25-1294 to
14 eliminate the June 30, 2025, repeal date that was included in House Bill
15 21-1315 to ensure that any administrative fees and court costs assessed
16 against a juvenile would not be collected;

17 (d) Fees should not follow a person who was a child at the time
18 of an alleged offense, even if the person is over the age of eighteen at the
19 time of adjudication or if the case of the person is directly filed in district
20 court or transferred from the juvenile court to the district court; and

21 (e) The judiciary has not faced any harm from eliminating the
22 fees, and the value to juveniles and their parents or guardians has been
23 immense.

24 (2) Therefore, the general assembly declares that additional

1 legislation is necessary to clarify the law and ensure that administrative
2 fees and court costs are not assessed or collected against juveniles.

3 **SECTION 2.** In Colorado Revised Statutes, 16-11-101.6, **add** (8)
4 as follows:

5 **16-11-101.6. Collection of fines and fees - methods - charges**
6 **- judicial collection enhancement fund - creation - definition.**

7 (8) (a) A COURT SHALL NOT ASSESS A TIME PAYMENT FEE AGAINST
8 A JUVENILE OR AGAINST THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL
9 CUSTODIAN. A COURT OR THE STATE SHALL NOT ENFORCE OR COLLECT
10 COURT-ORDERED COSTS ASSESSED BY THE COURT ON OR AFTER JULY 6,
11 2021, THAT ARE OUTSTANDING AGAINST A JUVENILE OR THE JUVENILE'S
12 PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

13 (b) AS USED IN THIS SUBSECTION (8), "JUVENILE" MEANS A PERSON
14 WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED AND
15 UNDER TWENTY-ONE YEARS OLD AT THE TIME OF SENTENCING.

16 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-507, **amend**
17 (6)(a) as follows:

18 **18-1.3-507. Community or useful public service -**
19 **misdemeanors - definition.**

20 (6) (a) (I) The court shall assess a fee, not to exceed one hundred
21 twenty dollars, upon every person required to perform community or
22 useful public service pursuant to section 18-1.3-501 (2), 18-18-432, or
23 42-4-1301.4. The amount of the fee must be commensurate with the costs
24 of administering the person's community or useful public service
25 program. The court may waive this fee if the court determines the
26 defendant ~~to be~~ IS indigent. In counties where the judicial department
27 operates the local useful public service program, the court shall transfer

1 each such fee to the state treasurer, who shall credit the fee to the fund
2 created in section 18-1.3-507.5. The court shall not impose the fee
3 described in this subsection (6)(a) on a person under the jurisdiction of
4 the juvenile court, as defined in section 19-1-103, or the person's parent,
5 guardian, or legal custodian. A COURT SHALL NOT ASSESS FEES DESCRIBED
6 IN THIS SUBSECTION (6)(a) AGAINST A JUVENILE OR AGAINST THE
7 JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN. A COURT OR THE
8 STATE SHALL NOT ENFORCE OR COLLECT A FEE IMPOSED BY THE COURT ON
9 OR AFTER JULY 6, 2021, THAT IS OUTSTANDING AGAINST A JUVENILE OR
10 THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

11 (II) AS USED IN THIS SUBSECTION (6)(a), "JUVENILE" MEANS A
12 PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS
13 COMMITTED AND UNDER TWENTY-ONE YEARS OLD AT THE TIME OF
14 SENTENCING.

15 **SECTION 4.** In Colorado Revised Statutes, 18-1.3-701, **add** (7)
16 as follows:

17 **18-1.3-701. Judgment of costs and fines - definitions.**

18 (7) (a) THE COSTS AND FINES DESCRIBED IN SUBSECTION (1) OF
19 THIS SECTION SHALL NOT BE ASSESSED AGAINST A JUVENILE OR THE
20 JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN. A COURT OR THE
21 STATE SHALL NOT ENFORCE OR COLLECT ANY COSTS OR FINES ASSESSED BY
22 THE COURT ON OR AFTER JULY 6, 2021, THAT ARE OUTSTANDING AGAINST
23 A JUVENILE OR THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

24 (b) AS USED IN THIS SUBSECTION (7), "JUVENILE" MEANS A PERSON
25 WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED AND
26 UNDER TWENTY-ONE YEARS OLD AT THE TIME OF SENTENCING.

27 **SECTION 5.** In Colorado Revised Statutes, 18-21-103, **add** (1.4)

1 as follows:

2 **18-21-103. Source of revenues - allocation of money - sex**
3 **offender surcharge fund - sexual exploitation of children surcharge**
4 **fund - creation - definition.**

5 (1.4) (a) A COURT SHALL NOT REQUIRE A JUVENILE OR THE
6 JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO PAY THE
7 SURCHARGE DESCRIBED IN SUBSECTION (1) OF THIS SECTION. A COURT OR
8 THE STATE SHALL NOT ENFORCE OR COLLECT A COURT-ORDERED
9 SURCHARGE CHARGED TO THE JUVENILE OR THE JUVENILE'S PARENT,
10 GUARDIAN, OR LEGAL CUSTODIAN ON OR AFTER JULY 6, 2021, THAT IS
11 OUTSTANDING AGAINST A JUVENILE OR THE JUVENILE'S PARENT,
12 GUARDIAN, OR LEGAL CUSTODIAN.

13 (b) AS USED IN THIS SUBSECTION (1.4), "JUVENILE" MEANS A
14 PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS
15 COMMITTED AND UNDER TWENTY-ONE YEARS OLD AT THE TIME OF
16 SENTENCING.

17 **SECTION 6.** In Colorado Revised Statutes, 18-25-101, **amend**
18 (1)(b) as follows:

19 **18-25-101. Restorative justice surcharge - definitions.**

20 (1) (b) (I) The surcharge described in this section does not apply
21 to a person under the jurisdiction of the juvenile court or the person's
22 parent, guardian, or legal custodian. THE SURCHARGE DESCRIBED IN THIS
23 SECTION SHALL NOT BE ASSESSED AGAINST A JUVENILE OR CHARGED TO
24 THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN. A COURT OR
25 THE STATE SHALL NOT ENFORCE OR COLLECT ANY SURCHARGE ASSESSED
26 BY THE COURT ON OR AFTER JULY 6, 2021, THAT IS OUTSTANDING AGAINST
27 A JUVENILE OR THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

1 (II) AS USED IN THIS SUBSECTION (1)(b), "JUVENILE" MEANS A
2 PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS
3 COMMITTED AND UNDER TWENTY-ONE YEARS OLD AT THE TIME OF
4 SENTENCING.

5 **SECTION 7.** In Colorado Revised Statutes, 21-1-103, **amend** (3)
6 as follows:

7 **21-1-103. Representation of indigent persons - definition.**

8 (3) (a) The state public defender shall make the determination of
9 indigency, subject to review by the court. When a defendant or, if
10 applicable, the defendant's parent or legal guardian requests
11 representation by a public defender, such person shall submit an
12 appropriate application, the form of which states that the application is
13 signed under oath and under the penalty of perjury and that a false
14 statement may be prosecuted as such. The applicant shall pay a
15 nonrefundable processing fee of twenty-five dollars if the court-appointed
16 counsel enters an appearance based upon the application; except that a
17 person under the jurisdiction of the juvenile court, as defined in section
18 19-1-103; A JUVENILE; or the person's OR JUVENILE'S parent, guardian, or
19 legal custodian, is not required to pay the processing fee. A COURT OR THE
20 STATE SHALL NOT ENFORCE OR COLLECT A PROCESSING FEE ASSESSED BY
21 THE COURT ON OR AFTER JULY 6, 2021, THAT IS OUTSTANDING AGAINST A
22 PERSON UNDER THE JURISDICTION OF THE JUVENILE COURT, AS DEFINED IN
23 SECTION 19-1-103; A JUVENILE; OR THE PERSON'S OR JUVENILE'S PARENT,
24 GUARDIAN, OR LEGAL CUSTODIAN. The fee is assessed at the time of
25 sentencing, if sentencing occurs, or upon other final disposition of the
26 case; except that the court may, at sentencing or other final disposition,
27 waive the fee if the court determines, based upon the financial

1 information submitted by the party being represented by the
2 court-appointed counsel, that the person does not have the financial
3 resources to pay the fee. Before the court appoints a public defender
4 based on ~~said~~ THE application, the court shall advise the defendant or, if
5 applicable, the defendant's parent or legal guardian that the application is
6 signed under oath and under the penalty of perjury. A copy of the
7 application must be sent to the prosecuting attorney for review, and, upon
8 request, the court shall hold a hearing on the issue of the eligibility for
9 appointment of the public defender's office. Processing fees collected
10 pursuant to this subsection (3) are transmitted to the state treasurer, who
11 shall credit the same to the general fund.

12 (b) AS USED IN THIS SUBSECTION (3), "JUVENILE" MEANS A PERSON
13 WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED AND
14 UNDER TWENTY-ONE YEARS OLD AT THE TIME OF SENTENCING.

15 **SECTION 8.** In Colorado Revised Statutes, 24-4.1-119, **add** (1.7)
16 as follows:

17 **24-4.1-119. Costs and surcharges levied on criminal actions**
18 **and traffic offenses - definition.**

19 (1.7)(a) A COST OR SURCHARGE LEVIED PURSUANT TO SUBSECTION
20 (1)(a) OF THIS SECTION SHALL NOT BE ASSESSED AGAINST A JUVENILE OR
21 AGAINST THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN. A
22 COURT OR THE STATE SHALL NOT ENFORCE OR COLLECT COURT-LEVIED
23 COSTS OR SURCHARGES ASSESSED BY THE COURT ON OR AFTER JULY 6,
24 2021, THAT ARE OUTSTANDING AGAINST THE JUVENILE OR THE JUVENILE'S
25 PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

26 (b) AS USED IN THIS SUBSECTION (1.7), "JUVENILE" MEANS A
27 PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS

1 COMMITTED AND UNDER TWENTY-ONE YEARS OLD AT THE TIME OF
2 SENTENCING.

3 **SECTION 9.** In Colorado Revised Statutes, 24-4.2-104, **add** (3)
4 as follows:

5 **24-4.2-104. Surcharges levied on criminal actions and traffic**
6 **offenses - definition.**

7 (3) (a) A COST OR SURCHARGE LEVIED PURSUANT TO SUBSECTION
8 (1)(a)(I) OF THIS SECTION SHALL NOT BE ASSESSED AGAINST A JUVENILE
9 OR AGAINST THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.
10 A COURT OR THE STATE SHALL NOT ENFORCE OR COLLECT COURT-LEVIED
11 COSTS OR SURCHARGES ASSESSED BY THE COURT ON OR AFTER JULY 6,
12 2021, THAT ARE OUTSTANDING AGAINST THE JUVENILE OR THE JUVENILE'S
13 PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

14 (b) AS USED IN THIS SUBSECTION (3), "JUVENILE" MEANS A PERSON
15 WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED AND
16 UNDER TWENTY-ONE YEARS OLD AT THE TIME OF SENTENCING.

17 **SECTION 10.** In Colorado Revised Statutes, 42-4-1307, **amend**
18 (10.5) as follows:

19 **42-4-1307. Penalties for traffic offenses involving alcohol and**
20 **drugs - legislative declaration - definitions - repeal.**

21 (10.5) (a) The costs and surcharges described in subsection (10)
22 of this section do not apply to a person under the jurisdiction of the
23 juvenile court, as defined in section 19-1-103; A JUVENILE; or the person's
24 OR JUVENILE'S parent, guardian, or legal custodian. A COURT OR THE
25 STATE SHALL NOT ENFORCE OR COLLECT A COURT-LEVIED COST OR
26 SURCHARGE ASSESSED BY THE COURT ON OR AFTER JULY 6, 2021, THAT IS
27 OUTSTANDING AGAINST A PERSON UNDER THE JURISDICTION OF THE

1 JUVENILE COURT, AS DEFINED IN SECTION 19-1-103; A JUVENILE; OR THE
2 PERSON'S OR JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

3 (b) AS USED IN THIS SUBSECTION (10.5), "JUVENILE" MEANS A
4 PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS
5 COMMITTED AND UNDER TWENTY-ONE YEARS OLD AT THE TIME OF
6 SENTENCING.

7 **SECTION 11. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.