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HOUSE BILL 26-1232

BY REPRESENTATIVE(S) Espenoza and Bacon, Boesenecker, Brown, Camacho, Carter, Garcia, Hamrick, Jackson, Joseph, Lindsay, Mabrey, Nguyen, Sirota, Story, McCluskie, Phillips, Ricks;
also SENATOR(S) Gonzales J. and Lindstedt, Amabile, Ball, Benavidez, Cutter, Daugherty, Exum, Hinrichsen, Jodeh, Kipp, Kolker, Marchman, Wallace, Weissman, Coleman.

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

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

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

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

(b) While the intent of House Bill 21-1315 was to eliminate the

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assessment and collection of administrative fees and court costs against juveniles, courts have continued to assess administrative fees and court costs against juveniles but have not collected on those assessments;

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

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

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

(2) Therefore, the general assembly declares that additional legislation is necessary to clarify the law and ensure that administrative fees and court costs are not assessed or collected against juveniles.

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

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

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

(b) AS USED IN THIS SUBSECTION (8), "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED.

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

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

(6) (a) (I) The court shall assess a fee, not to exceed one hundred twenty dollars, upon every person required to perform community or useful public service pursuant to section 18-1.3-501 (2), 18-18-432, or 42-4-1301.4. The amount of the fee must be commensurate with the costs of administering the person's community or useful public service program. The court may waive this fee if the court determines the defendant ~~to be~~ IS indigent. In counties where the judicial department operates the local useful public service program, the court shall transfer each such fee to the state treasurer, who shall credit the fee to the fund created in section 18-1.3-507.5. The court shall not impose the fee described in this subsection (6)(a) on a person under the jurisdiction of the juvenile court, as defined in section 19-1-103, or the person's parent, guardian, or legal custodian. A COURT SHALL NOT ASSESS FEES DESCRIBED IN THIS SUBSECTION (6)(a) AGAINST A JUVENILE OR AGAINST THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN. A COURT OR THE STATE SHALL NOT ENFORCE OR COLLECT A FEE IMPOSED BY THE COURT ON OR AFTER JULY 6, 2021, THAT IS OUTSTANDING AGAINST A JUVENILE OR THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

(II) AS USED IN THIS SUBSECTION (6)(a), "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED.

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

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

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

(b) AS USED IN THIS SUBSECTION (7), "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED.

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

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

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

(b) AS USED IN THIS SUBSECTION (1.4), "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED.

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

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

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

(II) AS USED IN THIS SUBSECTION (1)(b), "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED.

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

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

(3) (a) The state public defender shall make the determination of indigency, subject to review by the court. When a defendant or, if applicable, the defendant's parent or legal guardian requests representation by a public defender, such person shall submit an appropriate application, the form of which states that the application is signed under oath and under the penalty of perjury and that a false statement may be prosecuted as such. The applicant shall pay a nonrefundable processing fee of twenty-five dollars if the court-appointed counsel enters an appearance based upon the application; except that a person under the jurisdiction of the juvenile court, as defined in section 19-1-103; A JUVENILE; or the person's OR JUVENILE'S parent, guardian, or legal custodian, is not required to pay the processing fee. A COURT OR THE STATE SHALL NOT ENFORCE OR COLLECT A PROCESSING FEE ASSESSED BY THE COURT ON OR AFTER JULY 6, 2021, THAT IS OUTSTANDING AGAINST A PERSON UNDER THE JURISDICTION OF THE JUVENILE COURT, AS DEFINED IN SECTION 19-1-103; A JUVENILE; OR THE PERSON'S OR JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN. The fee is assessed at the time of sentencing, if sentencing occurs, or upon other final disposition of the case; except that the court may, at sentencing or other final disposition, waive the fee if the court determines, based upon the financial information submitted by the party being represented by the court-appointed counsel, that the person does not have the financial resources to pay the fee. Before the court appoints a public defender based on ~~said~~ THE application, the court shall advise the defendant or, if applicable, the defendant's parent or legal guardian that the application is signed under oath and under the penalty of perjury. A copy of the application must be sent to the prosecuting attorney for review, and, upon request, the court shall hold a hearing on the issue of the eligibility for appointment of the public defender's office. Processing fees collected pursuant to this subsection (3) are transmitted to the state treasurer, who shall credit the same to the general fund.

(b) AS USED IN THIS SUBSECTION (3), "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED.

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

24-4.1-119. Costs and surcharges levied on criminal actions and

traffic offenses - definition.

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

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

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

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

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

(b) AS USED IN THIS SUBSECTION (3), "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED.

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

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

(10.5) (a) The costs and surcharges described in subsection (10) of this section do not apply to a person under the jurisdiction of the juvenile court, as defined in section 19-1-103; A JUVENILE; or the person's OR JUVENILE'S parent, guardian, or legal custodian. A COURT OR THE STATE

SHALL NOT ENFORCE OR COLLECT A COURT-LEVIED COST OR SURCHARGE ASSESSED BY THE COURT ON OR AFTER JULY 6, 2021, THAT IS OUTSTANDING AGAINST A PERSON UNDER THE JURISDICTION OF THE JUVENILE COURT, AS DEFINED IN SECTION 19-1-103; A JUVENILE; OR THE PERSON'S OR JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

(b) AS USED IN THIS SUBSECTION (10.5), "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OLD WHEN THE CRIME IS COMMITTED.

SECTION 11. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO