

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 19, 2021

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB21-1315 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 3, strike lines 22 through 27 and substitute:

2 "SECTION 2. In Colorado Revised Statutes, 19-2-114, amend
3 (1)(a); and repeal (1)(b), (2), and (3) as follows:

4 **19-2-114. Cost of care.** (1) (a) Notwithstanding the provisions
5 of section 19-1-115 (4)(d), where a juvenile is sentenced to a placement
6 out of the home or is granted probation as a result of an adjudication,
7 deferral of adjudication, or direct filing in or transfer to district court, the
8 court may order ~~the juvenile or the juvenile's parent~~ to make such
9 payments toward the cost of care ~~as are appropriate under the~~
10 ~~circumstances. In setting the amount of such payments, the court shall~~
11 ~~take into consideration and make allowances for any restitution ordered~~
12 ~~to the victim or victims of a crime, which shall take priority over any~~
13 ~~payments ordered pursuant to this section, and for the maintenance and~~
14 ~~support of the juvenile's spouse, dependent children, any other persons~~
15 ~~having a legal right to support and maintenance out of the estate of the~~
16 ~~juvenile, or any persons having a legal right to support and maintenance~~
17 ~~out of the estate of the juvenile's parent. The court shall also consider the~~
18 ~~financial needs of the juvenile for the six-month period immediately~~
19 ~~following the juvenile's release, for the purpose of allowing said juvenile~~
20 ~~to seek employment.~~ ONLY AS REQUIRED PURSUANT TO TITLE IV-E OF
21 THE FEDERAL "SOCIAL SECURITY ACT".

22 Page 4, strike line 1 through 13.

- 1 Page 5, strike line 3.
- 2 Page 16, strike lines 20 through 27.
- 3 Page 17, strike lines 1 through 6.
- 4 Renumber succeeding sections accordingly.
- 5 Page 20, line 15, after "19-2-114," insert "OTHER THAN PAYMENTS
6 REQUIRED PURSUANT TO TITLE IV-E OF THE FEDERAL "SOCIAL SECURITY
7 ACT",".
- 8 Page 20, line 16, strike "(2)(a)(VII)" and substitute "(2)(a)(VIII)".
- 9 Page 21, strike lines 9 and 10 and substitute:
10 "SECTION 24. In Colorado Revised Statutes, **amend as added**
11 **by Senate Bill 21-059** 19-2.5-1120 as follows:
12 **19-2.5-1120. Cost of care.** (1) (a) Notwithstanding section
13 19-1-115 (4)(d), if a juvenile is sentenced to an out-of-home placement
14 or is granted probation as a result of an adjudication, deferral of
15 adjudication, or direct filing in or transfer to district court, the court may
16 order ~~the juvenile or the juvenile's parent~~ to make payments toward the
17 cost of care ~~as are appropriate under the circumstances. In setting the~~
18 ~~amount of such payments, the court shall take into consideration and~~
19 ~~make allowances for any restitution ordered to the victim or victims of a~~
20 ~~crime, which take priority over any payments ordered pursuant to this~~
21 ~~section, and for the maintenance and support of the juvenile's spouse,~~
22 ~~dependent children, any other persons having a legal right to support and~~
23 ~~maintenance out of the juvenile's estate, or any persons having a legal~~
24 ~~right to support and maintenance out of the estate of the juvenile's parent.~~
25 ~~The court shall also consider the financial needs of the juvenile for the~~
26 ~~six-month period immediately following the juvenile's release, for the~~
27 ~~purpose of allowing the juvenile to seek employment. ONLY AS REQUIRED~~
28 ~~PURSUANT TO TITLE IV-E OF THE FEDERAL "SOCIAL SECURITY ACT".~~
29 (b) ~~For an adoptive family who receives an approved Title IV-E~~
30 ~~adoption assistance subsidy pursuant to the federal "Social Security Act",~~
31 ~~42 U.S.C. sec. 673 et seq., or an approved payment in subsidization of~~
32 ~~adoption pursuant to article 7 of title 26, the cost of care, as defined in~~
33 ~~section 19-1-103, must not exceed the amount of the adoption assistance~~
34 ~~payment.~~
35 (2) ~~An order for payment toward the cost of care entered by the~~



1 court pursuant to subsection (1) of this section constitutes a judgment
2 enforceable by the state or the governmental agency that would otherwise
3 incur the cost of care for the juvenile in the same manner as are civil
4 judgments.

5 (3) In order to effectuate this section, a juvenile and the juvenile's
6 parent are required to provide information to the court regarding the
7 juvenile's estate and the estate of the juvenile's parent. Such financial
8 information must be submitted in writing and under oath."

9 Page 26, line 27, strike "19-2.5-1120" and substitute "19-2.5-1120, OTHER
10 THAN PAYMENTS REQUIRED PURSUANT TO TITLE IV-E OF THE FEDERAL
11 "SOCIAL SECURITY ACT",".

12 Page 27, line 5, strike "21-___," and substitute "21-1315,".

13 Page 27, strike lines 20 through 27.

14 Page 28, strike lines 1 through 6.

15 Page 28, after line 6, insert:

16 **"SECTION 32.** In Colorado Revised Statutes, 18-25-101, **amend**
17 (3)(a) as follows:

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

19 (3) (a) There is created in the state treasury the restorative justice
20 surcharge fund that consists of money received by the state treasurer
21 pursuant to this section and section 13-3-116 (4.5) AND ANY OTHER
22 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
23 TO THE FUND. The money in the fund is subject to annual appropriation by
24 the general assembly to the judicial department for distribution to judicial
25 districts that offer restorative justice programs and to the restorative
26 justice coordinating council for administrative expenses.

27 **SECTION 33.** In Colorado Revised Statutes, 24-4.1-117, **amend**
28 (2) as follows:

29 **24-4.1-117. Fund created - control of fund.** (2) The fund shall
30 consist CONSISTS of all moneys MONEY paid as a cost or surcharge levied
31 on criminal actions, as provided in section 24-4.1-119; any federal
32 moneys MONEY available to state or local governments for victim
33 compensation; all moneys MONEY received from any action or suit to
34 recover damages from an assailant for a compensable crime which was
35 the basis for an award of, and limited to, compensation received under

1 this part 1; and any restitution paid by an assailant to a victim for damages
2 for a compensable crime which was the basis for an award received under
3 this part 1 and for damages for which the victim has received an award of,
4 and limited to, compensation received under this part 1; AND ANY OTHER
5 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
6 TO THE FUND.

7 **SECTION 34.** In Colorado Revised Statutes, 24-4.2-103, **amend**
8 (1.5) as follows:

9 **24-4.2-103. Victims and witnesses assistance and law**
10 **enforcement fund - control of fund.** (1.5) In addition to the ~~moneys~~
11 MONEY paid into the fund pursuant to subsection (1) of this section, the
12 fund ~~shall consist~~ CONSISTS of ~~moneys~~ MONEY paid pursuant to section
13 17-27-104 (4)(b)(IV) ~~C.R.S.~~ AND ANY OTHER MONEY THAT THE GENERAL
14 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

15 **SECTION 35.** In Colorado Revised Statutes, 39-28.8-501, **add**
16 (4.8) as follows:

17 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
18 **- legislative declaration - repeal.** (4.8) ON JULY 31, 2021, AND ON JULY
19 1 OF EACH YEAR THEREAFTER, THE STATE TREASURER SHALL MAKE THE
20 FOLLOWING TRANSFERS FROM THE FUND:

21 (a) THIRTEEN THOUSAND DOLLARS TO THE RESTORATIVE JUSTICE
22 SURCHARGE FUND ESTABLISHED IN SECTION 18-25-101;

23 (b) THREE HUNDRED ELEVEN THOUSAND DOLLARS TO THE CRIME
24 VICTIM COMPENSATION FUND ESTABLISHED IN SECTION 24-4.1-117; AND

25 (c) TWO HUNDRED SEVENTY-FOUR THOUSAND DOLLARS TO THE
26 VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND
27 ESTABLISHED IN SECTION 24-4.2-103."

28 Renumber succeeding sections accordingly.

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