

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0578.02 Pierce Lively x2059

HOUSE BILL 19-1128

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HOUSE SPONSORSHIP

**Kraft-Tharp and Saine**, Michaelson Jenet

SENATE SPONSORSHIP

**Fields and Smallwood**, Todd

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**House Committees**  
Finance

**Senate Committees**

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A BILL FOR AN ACT

101 CONCERNING INTERCEPTS, AND, IN CONNECTION THEREWITH,  
102 INTERCEPTING LOTTERY WINNINGS TO PAY OUTSTANDING  
103 CRIMINAL COURT OBLIGATIONS.

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**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/>.)*

**Legislative Audit Committee.** The bill allows lottery winnings to be intercepted for the payment of outstanding criminal court fines, fees, costs, or surcharges.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-11-101.8, **amend**  
3 (1) introductory portion, (1)(c), and (4) as follows:

4 **16-11-101.8. State income tax refund and lottery winnings**  
5 **offsets - fines, fees, costs, or surcharges - definitions.** (1) In any case  
6 in which a defendant has an unsatisfied fine, fee, cost, or surcharge  
7 obligation imposed pursuant to law or a CRIMINAL court order, the judicial  
8 department is authorized to transmit data concerning the obligation to the  
9 department of revenue for the purpose of conducting a data match and  
10 offsetting the obligation against a state income tax refund pursuant to  
11 section 39-21-108 (3) ~~C.R.S.~~ OR LOTTERY WINNINGS PURSUANT TO  
12 SECTION 44-40-114. For any obligation identified by the judicial  
13 department for offset, the state court administrator shall:

14 (c) Provide or require the appropriate court to provide written  
15 notice to the defendant that the state intends to offset the defendant's  
16 obligation against his or her state income tax refund OR LOTTERY  
17 WINNINGS and that the defendant has the right to object to the offset and  
18 request an administrative review; and

19 (4) The department of revenue is authorized to receive data from  
20 the judicial department and execute offsets of state income tax refunds  
21 AND LOTTERY WINNINGS in accordance with this section and ~~section~~  
22 ~~39-21-108 (3), C.R.S.~~ SECTIONS 39-21-108 (3) AND 44-40-114.

23 **SECTION 2.** In Colorado Revised Statutes, **amend** 44-40-114 as  
24 follows:

25 **44-40-114. Prizes - lottery winnings offset for restitution, fines,**  
26 **fees, costs, or surcharges.** (1) Prior to the payment of any lottery  
27 winnings required by rule of the commission to be paid only at the lottery

1 offices, the department shall require the winner to submit the winner's  
2 social security number and federal employer identification number, if  
3 applicable, and shall check the social security number of the winner with  
4 those certified by the judicial department for the purpose of the state  
5 lottery winnings offset as provided in ~~section 16-18.5-106.5~~ SECTIONS  
6 16-11-101.8 AND 16-18.5-106.5. The social security number and the  
7 federal employer identification number shall not become part of the  
8 public record of the department.

9 (2) If the social security number of a lottery winner appears  
10 among those certified by the judicial department, the department shall  
11 suspend the payment of the winnings until the requirements of ~~section~~  
12 ~~16-18.5-106.5~~ SECTIONS 16-11-101.8 AND 16-18.5-106.5 are met. If, after  
13 consulting with the judicial department, the department determines that  
14 the lottery winner is obligated to pay the amounts certified under ~~section~~  
15 ~~16-18.5-106.5~~ SECTIONS 16-11-101.8 AND 16-18.5-106.5, then the  
16 department shall withhold from the amount of winnings paid to the lottery  
17 winner an amount equal to the amount of ~~restitution~~ that is due or, if the  
18 amount of winnings is less than or equal to the amount of ~~restitution~~ due,  
19 shall withhold the entire amount of the lottery winnings. Any money so  
20 withheld shall be transmitted to the state treasurer for disbursement as  
21 directed in ~~section 16-18.5-106.5 (3)~~ SECTIONS 16-11-101.8 (2) AND  
22 16-18.5-106.5 (3).

23 (3) If a lottery winner owes a child support debt or arrearages or  
24 child support costs as described in section 44-40-113 (6), and also owes  
25 restitution, FINES, FEES, COSTS, OR SURCHARGES as described in ~~this~~  
26 ~~section~~ IN SECTIONS 16-11-101.8 AND 16-18.5-106.5, the lottery winnings  
27 offset against the child support debt or arrearages or costs shall take

1 priority and be applied first. The remaining lottery winning money, if any,  
2 shall be applied toward the payment of outstanding restitution, FINES,  
3 FEES, COSTS, OR SURCHARGES and processed in accordance with this  
4 section AND SECTION 16-18.5-110.

5 **SECTION 3. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly (August  
8 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
9 referendum petition is filed pursuant to section 1 (3) of article V of the  
10 state constitution against this act or an item, section, or part of this act  
11 within such period, then the act, item, section, or part will not take effect  
12 unless approved by the people at the general election to be held in  
13 November 2020 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.