

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-1066.01 Jerry Barry x4341

HOUSE BILL 19-1310

HOUSE SPONSORSHIP

Melton and Gonzales-Gutierrez, Benavidez, Bird, Buckner, Cutter, Duran, Galindo, Herod, Hooton, Jaquez Lewis, Michaelson Jenet, Valdez A.

SENATE SPONSORSHIP

Lee, Gonzales

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING INTEREST ON ORDERS OF RESTITUTION, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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, simple interest accrues on orders of restitution at the rate of 8% per annum. The bill lowers the rate to 3% per annum. The bill also provides that interest on an order of restitution does not accrue while the defendant is:

- ! In the custody of the department of corrections or a jail; or
- ! Current on any agreement to make periodic payments.

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.

SENATE
3rd Reading Unamended
May 3, 2019

SENATE
Amended 2nd Reading
May 2, 2019

HOUSE
3rd Reading Unamended
April 26, 2019

HOUSE
Amended 2nd Reading
April 25, 2019

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-603, **amend**
3 (4)(b)(I); and **add** (4)(b.5) as follows:

4 **18-1.3-603. Assessment of restitution - corrective orders.**

5 (4) (b) Any order for restitution made pursuant to this section is also an
6 order that:

7 (I) EXCEPT AS PROVIDED IN SUBSECTION (4)(b.5) OF THIS SECTION,
8 the defendant owes simple interest from the date of the entry of the order
9 at the rate of eight percent per annum; and

10 (b.5) (I) INTEREST ON AN ORDER FOR RESTITUTION DOES NOT
11 ACCRUE WHILE:

12 (A) THE DEFENDANT IS SERVING A SENTENCE IN A CORRECTIONAL
13 FACILITY OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF
14 CORRECTIONS LOCATED WITHIN THE STATE; OR

15 (B) THE DEFENDANT IS IN A JUVENILE DELINQUENCY CASE AND IS
16 UNDER TWENTY-ONE YEARS OF AGE.

17 (II) IN ANY CASE WHERE INTEREST WAS ACCRUING ON AN ORDER
18 OF RESTITUTION AT THE RATE OF TWELVE PERCENT PER ANNUM, ON AND
19 AFTER JANUARY 1, 2020, INTEREST ACCRUES AT THE RATE OF EIGHT
20 PERCENT PER ANNUM. _____

21 **SECTION 2. Appropriation.** For the 2019-20 state fiscal year,
22 \$220,480 is appropriated to the judicial department. This appropriation
23 is from the judicial collection enhancement cash fund created in section
24 16-11-101.6 (2), C.R.S. To implement this act, the department may use
25 this appropriation for information technology infrastructure.

26 **SECTION 3. Effective date - applicability.** This act takes effect

1 July 1, 2019, and applies to orders enter on and after said date.

2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.