

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-1066.01 Jerry Barry x4341

HOUSE BILL 19-1310

HOUSE SPONSORSHIP

Melton and Gonzales-Gutierrez,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INTEREST ON ORDERS OF RESTITUTION.**

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.

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~~ THREE 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;

15 (B) THE DEFENDANT IS UNDER SIXTEEN YEARS OF AGE OR IN
16 OUT-OF-HOME PLACEMENT THROUGH THE DEPARTMENT OF HUMAN
17 SERVICES, INCLUDING NONCERTIFIED KINSHIP CARE PLACEMENT AS
18 DEFINED IN SECTION 19-1-103 (78.7), OR IS IN THE CUSTODY OF THE
19 DIVISION OF YOUTH SERVICES; OR

20 (C) THE DEFENDANT IS CURRENT ON ANY AGREEMENT TO MAKE
21 PERIODIC PAYMENTS ON THE ORDER OF RESTITUTION OWED PURSUANT TO
22 SECTION 16-18.5-104.

23 **SECTION 2. Effective date - applicability.** This act takes effect
24 July 1, 2019, and applies to orders enter on and after said date.

25 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.