

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

PREAMENDED

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

LLS NO. 21-0997.01 Conrad Imel x2313

HOUSE BILL 21-1315

HOUSE SPONSORSHIP

Herod,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ELIMINATING CERTAIN MONETARY AMOUNTS A JUVENILE**
102 **IN THE JUSTICE SYSTEM IS REQUIRED TO PAY.**

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, courts may assess administrative fees, costs, and surcharges in juvenile delinquency cases when juveniles have been charged with or adjudicated of certain crimes. The bill removes the following costs and fees that a juvenile or a juvenile's parent or legal guardian must pay:

- Cost of care for a juvenile sentenced to a placement out of

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.

the home or granted probation as a result of an adjudication, deferral of adjudication, or direct filing in or transfer to district court;

- Costs of prosecution, the amount of the cost of care, and any fine imposed upon a juvenile who is adjudicated a juvenile delinquent;
- Fees for applying for court-appointed counsel and costs of the representation when a juvenile's parent, guardian, or legal custodian is determined not to be indigent;
- Costs and surcharges levied on criminal actions and traffic offenses paid into the court district's crime victim compensation fund and the victims and witnesses assistance and law enforcement fund;
- Surcharges paid into the sex offender surcharge fund by juveniles adjudicated, or who receive a deferred adjudication, for commission of a sex offense;
- Cost of the juvenile's medical care in the youthful offender system;
- Cost of collecting and testing biological samples from juveniles sentenced to the youthful offender system;
- Time payment and late penalty fees assessed when a juvenile does not pay fines, fees, costs, surcharges, or other monetary assessments in criminal cases;
- Fees related to participating in restorative justice practices;
- Costs and surcharges related to impaired driving; and
- The fee assessed on persons required to perform community or useful public service.

Any outstanding balances of the fees, costs, and surcharges repealed in the bill are unenforceable and not collectable. Within 6 months after the bill goes into effect, the court is required to vacate the portion of a court order that imposes the costs.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Colorado law authorizes courts to charge youth and their
5 families a range of administrative fees in the juvenile system;

6 (b) Juvenile system fees disproportionately harm youth of color
7 and their families. In Colorado, youth of color are arrested more often

1 than White youth, detained at more than twice the rate of White youth,
2 and incarcerated at more than four times the rate of White youth.

3 (c) Fees and costs disproportionately harm rural youth and their
4 families. Colorado judicial branch data shows that courts in rural counties
5 assess higher amounts of fees per case than the statewide average.

6 (d) Fees serve no public safety function; they are intended only to
7 generate revenue for government. Research shows that fees may instead
8 undermine public safety by increasing the likelihood of recidivism among
9 youth.

10 (e) Youth and their families face harsh consequences for unpaid
11 fees, undermining rehabilitation and following youth well into adulthood;

12 (f) Colorado's judicial branch serves all Coloradans, and
13 administrative costs should not be borne by indigent youth of color and
14 their families;

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

19 (h) To serve Colorado's juvenile system goals of community
20 safety, rehabilitation, and restorative justice, juvenile fees must be
21 repealed.

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

24 **19-2-114. Cost of care.** (1) (a) Notwithstanding the provisions
25 of section 19-1-115 (4)(d), where a juvenile is sentenced to a placement
26 out of the home or is granted probation as a result of an adjudication,
27 deferral of adjudication, or direct filing in or transfer to district court, the

1 court may order the juvenile or the juvenile's parent to make such
2 payments toward the cost of care as are appropriate under the
3 circumstances. In setting the amount of such payments, the court shall
4 take into consideration and make allowances for any restitution ordered
5 to the victim or victims of a crime, which shall take priority over any
6 payments ordered pursuant to this section, and for the maintenance and
7 support of the juvenile's spouse, dependent children, any other persons
8 having a legal right to support and maintenance out of the estate of the
9 juvenile, or any persons having a legal right to support and maintenance
10 out of the estate of the juvenile's parent. The court shall also consider the
11 financial needs of the juvenile for the six-month period immediately
12 following the juvenile's release, for the purpose of allowing said juvenile
13 to seek employment. ONLY AS REQUIRED PURSUANT TO TITLE IV-E OF THE
14 FEDERAL "SOCIAL SECURITY ACT".

15 (b) For an adoptive family who receives an approved Title IV-E
16 adoption assistance subsidy pursuant to the federal "Social Security Act",
17 42 U.S.C. sec. 673 et seq., or an approved payment in subsidization of
18 adoption pursuant to article 7 of title 26, the cost of care, as defined in
19 section 19-1-103 (30), must not exceed the amount of the adoption
20 assistance payment.

21 (2) Any order for payment toward the cost of care entered by the
22 court pursuant to subsection (1) of this section shall constitute a judgment
23 which shall be enforceable by the state or the governmental agency that
24 would otherwise incur the cost of care for the juvenile in the same manner
25 as are civil judgments.

26 (3) In order to effectuate the provisions of this section, a juvenile
27 and such juvenile's parent shall be required to provide information to the

1 court regarding the juvenile's estate and the estate of such juvenile's
2 parent. Such financial information shall be submitted in writing and under
3 oath.

4
5 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-701, **amend**
6 (1)(a), (2) introductory portion, and (2)(m) as follows:

7 **18-1.3-701. Judgment for costs and fines - definitions.**

8 (1) (a) ~~Where~~ WHEN any person, association, or corporation is convicted
9 of an offense, ~~or any juvenile is adjudicated a juvenile delinquent for the~~
10 ~~commission of an act that would have been a criminal offense if~~
11 ~~committed by an adult~~, the court shall give judgment in favor of the state
12 of Colorado, the appropriate prosecuting attorney, or the appropriate law
13 enforcement agency and against the offender ~~or juvenile~~ for the amount
14 of the costs of prosecution, the amount of the cost of care, and any fine
15 imposed. ~~WHEN ANY JUVENILE IS ADJUDICATED A JUVENILE DELINQUENT~~
16 ~~FOR THE COMMISSION OF AN ACT THAT WOULD HAVE BEEN A CRIMINAL~~
17 ~~OFFENSE IF COMMITTED BY AN ADULT, THE COURT MAY GIVE JUDGMENT~~
18 ~~IN FAVOR OF THE STATE OF COLORADO FOR ANY FINE IMPOSED. THE COURT~~
19 ~~SHALL NOT IMPOSE COSTS OF PROSECUTION OR COST OF CARE AGAINST A~~
20 ~~JUVENILE UNDER THE JURISDICTION OF THE JUVENILE COURT, AS DEFINED~~
21 ~~IN SECTION 19-1-103, OR AGAINST THE PERSON'S PARENT, GUARDIAN, OR~~
22 ~~LEGAL CUSTODIAN, EXCEPT AS REQUIRED PURSUANT TO TITLE IV-E OF THE~~
23 ~~FEDERAL "SOCIAL SECURITY ACT"~~. No fine shall be imposed for
24 conviction of a felony except as provided in section 18-1.3-401 or
25 18-7-203 (2)(a). Such judgments ~~shall be~~ ARE enforceable in the same
26 manner as are civil judgments, and, in addition, ~~the provisions of section~~
27 ~~SECTIONS 16-11-101.6 C.R.S., and section 18-1.3-702~~ apply. A county

1 clerk and recorder may not charge a fee for the recording of a transcript
2 or satisfaction of a judgment entered pursuant to this section.

3 (2) The costs assessed pursuant to subsection (1) of this section
4 or section 16-18-101 MAY ONLY BE IMPOSED AGAINST A PERSON
5 CONVICTED OF A CRIME COMMITTED WHEN THE PERSON WAS EIGHTEEN
6 YEARS OF AGE OR OLDER AND may include:

7 (m) Any costs of participation in a diversion program if the
8 offender ~~or juvenile~~ unsuccessfully participated in a diversion program
9 prior to the conviction. ~~or adjudication.~~

10 **SECTION 4.** In Colorado Revised Statutes, 21-1-103, **amend** (3)
11 as follows:

12 **21-1-103. Representation of indigent persons.** (3) THE STATE
13 PUBLIC DEFENDER SHALL MAKE the determination of indigency, ~~shall be~~
14 ~~made by the state public defender~~, subject to review by the court. When
15 a defendant or, if applicable, the defendant's parent or legal guardian
16 requests representation by a public defender, such person shall submit an
17 appropriate application, the form of which ~~shall state~~ STATES that ~~such~~
18 THE application is signed under oath and under the penalty of perjury and
19 that a false statement may be prosecuted as such. THE APPLICANT SHALL
20 PAY a nonrefundable processing fee of twenty-five dollars ~~shall be paid~~
21 ~~by the applicant~~ if the court-appointed counsel enters an appearance based
22 upon the application; EXCEPT THAT A PERSON UNDER THE JURISDICTION OF
23 THE JUVENILE COURT, AS DEFINED IN SECTION 19-1-103, OR THE PERSON'S
24 PARENT, GUARDIAN, OR LEGAL CUSTODIAN IS NOT REQUIRED TO PAY THE
25 PROCESSING FEE. The fee ~~shall be~~ IS assessed at the time of sentencing, ~~or~~
26 ~~adjudication~~, if sentencing ~~or adjudication~~ occurs, or upon other final
27 disposition of the case; except that the court may, at sentencing

1 ~~adjudication~~, or other final disposition, waive the fee if the court
2 determines, based upon the financial information submitted by the party
3 being represented by the court-appointed counsel, that the person does not
4 have the financial resources to pay the fee. Before the court appoints a
5 public defender based on said application, the court shall advise the
6 defendant or, if applicable, the defendant's parent or legal guardian that
7 the application is signed under oath and under the penalty of perjury. A
8 copy of the application ~~shall~~ MUST be sent to the prosecuting attorney for
9 review, and, upon request, the court shall hold a hearing on the issue of
10 the eligibility for appointment of the public defender's office. Processing
11 fees collected pursuant to this subsection (3) ~~shall be~~ ARE transmitted to
12 the state treasurer, who shall credit the same to the general fund.

13 **SECTION 5.** In Colorado Revised Statutes, 19-2-706, **repeal**
14 (2)(b) as follows:

15 **19-2-706. Advisement - right to counsel - waiver of right to**
16 **counsel.** (2) (b) ~~(f)~~ If the court appoints counsel for the juvenile because
17 of the refusal of the parents, guardian, or other legal custodian to retain
18 counsel for the juvenile, the parents, guardian, or legal custodian, other
19 than a county department of human or social services or the state
20 department of human services, shall be advised by the court that if the
21 juvenile's parent, guardian, or legal custodian is determined not to be
22 indigent pursuant to section 21-1-103 (3), then the court will order the
23 juvenile's parent, guardian, or legal custodian, other than a county
24 department of human or social services or the state department of human
25 services, to reimburse the court for the cost of the representation unless
26 the court, for good cause, waives the reimbursement requirement. The
27 amount of the reimbursement will be a predetermined amount that:

1 ~~(A) Shall be set by the supreme court, in consultation with the~~
2 ~~office of the state public defender and the office of alternate defense~~
3 ~~counsel;~~

4 ~~(B) Shall be included in the chief justice directive concerning the~~
5 ~~appointment of state-funded counsel in criminal and juvenile delinquency~~
6 ~~cases; and~~

7 ~~(C) May be based partly or entirely upon the stage a proceeding~~
8 ~~has reached when counsel is appointed, the stage a proceeding has~~
9 ~~reached when representation is terminated, or both.~~

10 ~~(H) Notwithstanding any provision of subparagraph (I) of this~~
11 ~~paragraph (b) to the contrary, if the court finds that there exists a conflict~~
12 ~~of interest between the juvenile and the juvenile's parent, guardian, or~~
13 ~~legal custodian such that the income and assets of the parent, guardian, or~~
14 ~~legal custodian are unavailable to the juvenile, then the court shall~~
15 ~~consider only the juvenile's own income and assets for the purpose of~~
16 ~~determining whether to issue an order for reimbursement pursuant to this~~
17 ~~paragraph (b).~~

18 **SECTION 6.** In Colorado Revised Statutes, 24-4.1-119, **amend**
19 **(1)(a); and repeal (1)(d) as follows:**

20 **24-4.1-119. Costs and surcharges levied on criminal actions**
21 **and traffic offenses.** (1) (a) Except as provided in ~~paragraphs (c) and (d)~~
22 ~~of this subsection (1)~~ **SUBSECTION (1)(c) OF THIS SECTION,** a cost of one
23 hundred sixty-three dollars for felonies, seventy-eight dollars for
24 misdemeanors, forty-six dollars for class 1 misdemeanor traffic offenses,
25 and thirty-three dollars for class 2 misdemeanor traffic offenses is ~~hereby~~
26 levied on each criminal action resulting in a conviction or in a deferred
27 judgment and sentence, as provided for in section 18-1.3-102, ~~C.R.S.;~~

1 which criminal action is charged pursuant to state statute. THE
2 DEFENDANT SHALL PAY these costs ~~shall be paid~~ to the clerk of the court.
3 ~~by the defendant~~. Each clerk shall transmit the costs so received to the
4 court administrator of the judicial district in which the offense occurred
5 for credit to the crime victim compensation fund established in that
6 judicial district.

7 (d) ~~A cost, in an amount determined pursuant to paragraph (a) of~~
8 ~~this subsection (1), is hereby levied on every action upon the filing of a~~
9 ~~petition alleging a child is delinquent which results in a finding of guilty~~
10 ~~pursuant to part 8 of article 2 of title 19, C.R.S., or a deferral of~~
11 ~~adjudication pursuant to section 19-2-709, C.R.S. This cost shall be paid~~
12 ~~to the clerk of the court, who shall deposit the same in the fund~~
13 ~~established in section 24-4.1-117.~~

14 **SECTION 7.** In Colorado Revised Statutes, 24-4.2-104, **amend**
15 (1)(a)(I) as follows:

16 **24-4.2-104. Surcharges levied on criminal actions and traffic**
17 **offenses.** (1) (a) (I) A surcharge equal to thirty-seven percent of the fine
18 imposed for each felony, misdemeanor, or class 1 or class 2 misdemeanor
19 traffic offense, or a surcharge of one hundred sixty-three dollars for
20 felonies, seventy-eight dollars for misdemeanors, forty-six dollars for
21 class 1 misdemeanor traffic offenses, and thirty-three dollars for class 2
22 misdemeanor traffic offenses, whichever amount is greater, except as
23 otherwise provided in ~~paragraph (b) of this subsection (1)~~ SUBSECTION
24 (1)(b) OF THIS SECTION, is hereby levied on each criminal action resulting
25 in a conviction or in a deferred judgment and sentence, as provided in
26 section 18-1.3-102, C.R.S., which criminal action is charged pursuant to
27 state statute. ~~or upon each petition alleging that a child is delinquent that~~

1 ~~results in a finding of guilty pursuant to part 8 of article 2 of title 19~~
2 ~~C.R.S., or a deferral of adjudication pursuant to section 19-2-709, C.R.S.~~
3 THE DEFENDANT SHALL PAY these surcharges ~~shall be paid~~ to the clerk of
4 the court. ~~by the defendant~~. Each clerk shall transmit the ~~moneys~~ MONEY
5 to the court administrator of the judicial district in which the offense
6 occurred for credit to the victims and witnesses assistance and law
7 enforcement fund established in that judicial district.

8 **SECTION 8.** In Colorado Revised Statutes, 18-21-103, **repeal**
9 (1.5) as follows:

10 **18-21-103. Source of revenues - allocation of money - sex**
11 **offender surcharge fund - creation.** (1.5) ~~On and after July 1, 2000,~~
12 ~~each juvenile who is adjudicated for commission of an offense that would~~
13 ~~constitute a sex offense if committed by an adult or who receives for such~~
14 ~~offense a deferred adjudication shall be required to pay a surcharge to the~~
15 ~~clerk of the court in which the adjudication occurs or in which the~~
16 ~~deferred adjudication is entered. The amount of such surcharge shall be~~
17 ~~half the amount that would have been assessed against an adult offender~~
18 ~~pursuant to subsection (1) of this section for commission of the offense.~~

19 **SECTION 9.** In Colorado Revised Statutes, 18-1.3-407, **amend**
20 (4.5) and (11.5)(a)(I); and **repeal** (11.5)(c) as follows:

21 **18-1.3-407. Sentences - youthful offenders - powers and duties**
22 **of district court - authorization for youthful offender system - powers**
23 **and duties of department of corrections - legislative declaration -**
24 **definitions.** (4.5) The consent of the parent, parents, or legal guardian of
25 an offender under the age of eighteen years who has been sentenced to the
26 youthful offender system pursuant to this section ~~shall~~ IS not be necessary
27 in order to authorize hospital, medical, mental health, dental, emergency

1 health, or emergency surgical care. In addition, neither the department nor
2 any hospital, physician, surgeon, mental health-care provider, dentist,
3 trained emergency health-care provider, or agent or employee thereof
4 who, in good faith, relies on such a minor offender's consent ~~shall be~~ IS
5 liable for civil damages for failure to secure the consent of such an
6 offender's parent, parents, or legal guardian prior to rendering such care.
7 ~~However,~~ The parent, parents, or legal guardian of a minor offender
8 described in this subsection (4.5) ~~may be~~ ARE NOT liable ~~as provided by~~
9 ~~law,~~ to pay the charges for the care provided the minor on said minor's
10 consent.

11 (11.5) (a) (I) An offender who is sentenced to the youthful
12 offender system shall submit to ~~and pay for~~ collection and a chemical
13 testing of a biological substance sample from the offender to determine
14 the genetic markers thereof.

15 (c) ~~Any moneys received from offenders pursuant to paragraph (a)~~
16 ~~of this subsection (11.5) shall be deposited in the offender identification~~
17 ~~fund created in section 24-33.5-415.6, C.R.S.~~

18 **SECTION 10.** In Colorado Revised Statutes, 19-2-925.6, **amend**
19 (1) introductory portion and (3)(a); **repeal** (4); and **add** (6) as follows:

20 **19-2-925.6. Genetic testing of adjudicated offenders -**
21 **definitions.** (1) Beginning July 1, 2007, each of the following
22 adjudicated offenders shall submit to ~~and pay for~~ collection and a
23 chemical testing of the offender's biological substance sample to
24 determine the genetic markers thereof, unless the offender has already
25 provided a biological substance sample for such testing pursuant to a
26 statute of this state:

27 (3) The judicial department, the department of human services, a

1 sheriff, or a contractor may:

2 (a) Use reasonable force to obtain biological substance samples
3 in accordance with this section using medically recognized procedures.
4 In addition, an offender's refusal to comply with this section may be
5 grounds for revocation or denial of parole, probation, or deferred
6 adjudication. ~~Failure to pay for collection and a chemical testing of a~~
7 ~~biological substance sample shall be considered a refusal to comply if the~~
8 ~~offender has the present ability to pay.~~

9 (4) ~~Any moneys received from an offender pursuant to this section~~
10 ~~shall be deposited in the offender identification fund created in section~~
11 ~~24-33.5-415.6, C.R.S.~~

12 (6) A JUVENILE MUST NOT BE CHARGED A PROCESSING FEE FOR THE
13 PROCUREMENT AND ANALYSIS OF SAMPLES DESCRIBED IN THIS SECTION.

14 **SECTION 11.** In Colorado Revised Statutes, 16-11-101.6,
15 **amend** (1) as follows:

16 **16-11-101.6. Collection of fines and fees - methods - charges**
17 **- judicial collection enhancement fund - definition.** (1) If the
18 defendant is assessed any fines, fees, costs, surcharges, or other monetary
19 assessments with regard to the sentencing OR OTHER disposition ~~or~~
20 ~~adjudication~~ of a felony, misdemeanor, ~~juvenile delinquency petition,~~
21 petty offense, traffic offense, or traffic infraction and does not pay all
22 amounts assessed in full on the date of the assessment, the defendant shall
23 pay to the clerk of the court an additional time payment fee of twenty-five
24 dollars. The time payment fee may be assessed once per case; except that,
25 if amounts owed in the case have still not been paid in full one year after
26 the date of the assessment, ~~said~~ THE fee ~~shall~~ MAY be assessed annually
27 until the defendant has fully satisfied his or her financial obligation in the

1 case. In addition, there may be assessed against a defendant a late penalty
2 fee of ten dollars each time a payment toward the fines, fees, costs,
3 surcharges, or other amounts owed is not received on or before the date
4 due. If the court determines that the defendant does not have the financial
5 resources to pay a time payment fee or a late penalty fee, the court may
6 waive or suspend a time payment fee or a late penalty fee. Amounts
7 collected ~~shall be~~ ARE credited first against the time payment and any late
8 penalty fees assessed under this subsection (1), then against any fines, and
9 finally against any costs. THE TIME PAYMENT FEE AND LATE PENALTY FEE
10 DESCRIBED IN THIS SUBSECTION (1) DO NOT APPLY TO A PERSON UNDER
11 THE JURISDICTION OF THE JUVENILE COURT OR THE PERSON'S PARENT,
12 GUARDIAN, OR LEGAL CUSTODIAN.

13 **SECTION 12.** In Colorado Revised Statutes, 18-25-101, **amend**
14 (1) and (4) as follows:

15 **18-25-101. Restorative justice surcharge - definitions.**

16 (1) (a) Each person who is convicted of a crime ~~and each juvenile~~
17 ~~adjudicated of a crime shall be~~ IS required to pay a ten-dollar surcharge
18 to the clerk of the court for the judicial district in which the conviction
19 occurs.

20 (b) THE SURCHARGE DESCRIBED IN THIS SECTION DOES NOT APPLY
21 TO A PERSON UNDER THE JURISDICTION OF THE JUVENILE COURT OR THE
22 PERSON'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

23 (4) The court may waive all or any portion of the surcharge
24 required by subsection (1) of this section if the court finds that a person
25 ~~or juvenile~~ is indigent or financially unable to pay all or any portion of the
26 surcharge. The court may waive only that portion of the surcharge that the
27 court finds that the person ~~or juvenile~~ is financially unable to pay.

1 **SECTION 13.** In Colorado Revised Statutes, 19-2-905, **amend**
2 (4) as follows:

3 **19-2-905. Presentence investigation.** (4) Prior to sentencing a
4 juvenile who was adjudicated for an offense that would be a felony or
5 misdemeanor not contained in title 42, ~~C.R.S.~~, if committed by an adult,
6 the court may order the juvenile to participate in an assessment to
7 determine whether the juvenile would be suitable for participation in
8 restorative justice practices that would be a part of the juvenile's sentence;
9 except that the court may not order participation in a restorative justice
10 practice if the juvenile was adjudicated a delinquent for unlawful sexual
11 behavior, as defined in section 16-22-102 (9); ~~C.R.S.~~, a crime in which
12 the underlying factual basis involves domestic violence, as defined in
13 section 18-6-800.3 (1); ~~C.R.S.~~, stalking, as defined in section 18-3-602;
14 ~~C.R.S.~~, or violation of a protection order, as defined in section
15 18-6-803.5. ~~C.R.S.~~ **If the court orders a suitability assessment, the**
16 **assessor shall provide the services for a fee of no more than forty dollars**
17 **based on a sliding scale ~~however, the fee may be reduced by the court~~**
18 **~~based on a sliding scale~~ consistent with guidelines used to determine**
19 **eligibility for appointment of counsel. THE COURT SHALL NOT INCLUDE**
20 **PAYMENT OF THIS FEE AS PART OF PART OF ANY COURT ORDER.** If a
21 juvenile wants to participate in restorative justice practices, the juvenile
22 must make the request to the district attorney or the law enforcement
23 agency administering the program and may not make the request to the
24 victim. If requested by the juvenile or law enforcement agency, a
25 victim-offender conference may only be conducted after the victim is
26 consulted by the district attorney and offered an opportunity to participate
27 or submit a victim impact statement. If a victim elects not to attend, a

1 victim-offender conference may be held with a suitable victim surrogate
2 or victim advocate, and the victim may submit a victim impact statement.
3 If the juvenile participates in a restorative justice practices
4 victim-offender conference, the facilitator shall provide these services for
5 a fee of no more than one hundred twenty-five dollars based on a sliding
6 scale ~~however, the fee may be waived by the court.~~ CONSISTENT WITH
7 GUIDELINES USED TO DETERMINE ELIGIBILITY FOR APPOINTMENT OF
8 COUNSEL. THE COURT SHALL NOT INCLUDE PAYMENT OF THIS FEE AS PART
9 OF PART OF ANY COURT ORDER.

10 **SECTION 14.** In Colorado Revised Statutes, 19-2-907, **amend**
11 (1)(l); and **repeal** (6) as follows:

12 **19-2-907. Sentencing schedule - options.** (1) Upon completion
13 of the sentencing hearing pursuant to section 19-2-906, the court shall
14 enter a decree of sentence or commitment imposing any of the following
15 sentences or combination of sentences, as appropriate:

16 (l) Participation in an evaluation to determine whether the juvenile
17 would be suitable for restorative justice practices that would be a part of
18 the juvenile's sentence; except that the court may not order participation
19 in restorative justice practices if the juvenile was adjudicated a delinquent
20 for unlawful sexual behavior, as defined in section 16-22-102 (9); ~~C.R.S.~~;
21 a crime in which the underlying factual basis involves domestic violence,
22 as defined in section 18-6-800.3 (1); ~~C.R.S.~~; stalking, as defined in
23 section 18-3-602; ~~C.R.S.~~; or violation of a protection order, as defined in
24 section 18-6-803.5. ~~C.R.S.~~ If the court orders participation in restorative
25 justice practices, the facilitator shall provide these services for a fee of no
26 more than one hundred twenty-five dollars based on a sliding scale
27 ~~however, the fee may be waived by the court~~ CONSISTENT WITH

1 GUIDELINES USED TO DETERMINE ELIGIBILITY FOR APPOINTMENT OF
2 COUNSEL. THE COURT SHALL NOT INCLUDE PAYMENT OF THIS FEE AS PART
3 OF PART OF ANY COURT ORDER. Nothing in this paragraph ~~(1)~~ shall be
4 construed to require SUBSECTION (1)(1) REQUIRES a victim to participate
5 in a restorative justice victim-offender conference.

6 (6) ~~On and after July 1, 2000, each juvenile who is adjudicated for~~
7 ~~commission of an offense that would constitute a sex offense if~~
8 ~~committed by an adult or who receives for such offense a deferred~~
9 ~~adjudication shall be required to pay a surcharge to the sex offender~~
10 ~~surcharge fund, as provided in section 18-21-103, C.R.S.; except that the~~
11 ~~judge may waive payment of all or any portion of such surcharge as~~
12 ~~provided in section 18-21-103 (4), C.R.S.~~

13 SECTION 15. In Colorado Revised Statutes, 24-33.5-415.6,
14 amend (1) as follows:

15 24-33.5-415.6. Offender identification - fund. (1) There is
16 hereby created in the state treasury the offender identification fund,
17 referred to in this section as the "fund". ~~Moneys in the fund shall consist~~
18 THE FUND CONSISTS of costs and surcharges levied pursuant to this
19 section and payments for genetic testing received from offenders pursuant
20 to ~~sections 16-11-102.4, 18-1.3-407, and 19-2-925.6., C.R.S.~~ SECTION
21 16-11-102.4. Subject to annual appropriations by the general assembly,
22 the executive director and the state court administrator are authorized to
23 expend ~~moneys~~ MONEY in the fund to pay for genetic testing of offenders
24 pursuant to sections 16-11-102.4 and 18-1.3-407. ~~C.R.S.~~ At the end of
25 any fiscal year, all unexpended and unencumbered ~~moneys~~ MONEY
26 REMAINS in the fund ~~shall remain therein~~ and shall not be credited or
27 transferred to the general fund or any other fund.

1 **SECTION 16.** In Colorado Revised Statutes, 42-4-1307, **add**
2 (10.5) as follows:

3 **42-4-1307. Penalties for traffic offenses involving alcohol and**
4 **drugs - legislative declaration - definitions - repeal.** (10.5) THE COSTS
5 AND SURCHARGES DESCRIBED IN SUBSECTION (10) OF THIS SECTION DO
6 NOT APPLY TO A PERSON UNDER THE JURISDICTION OF THE JUVENILE
7 COURT, AS DEFINED IN SECTION 19-1-103, OR THE PERSON'S PARENT,
8 GUARDIAN, OR LEGAL CUSTODIAN.

9 ■ ■
10 **SECTION 17.** In Colorado Revised Statutes, 19-1-103, **repeal**
11 (47) as follows:

12 **19-1-103. Definitions.** As used in this title 19 or in the specified
13 portion of this title 19, unless the context otherwise requires:

14 (47) (a) ~~"Estate", as used in section 19-2-114, means any tangible~~
15 ~~or intangible properties, real or personal, belonging to or due to a person,~~
16 ~~including income or payments to such person from previously earned~~
17 ~~salary or wages, bonuses, annuities, pensions, or retirement benefits, or~~
18 ~~any source whatsoever except federal benefits of any kind.~~

19 (b) (I) ~~Real property that is held in joint ownership or ownership~~
20 ~~in common with the juvenile's spouse, while being used and occupied by~~
21 ~~the spouse as a place of residence, shall not be considered a part of the~~
22 ~~estate of the juvenile for the purposes of section 19-2-114.~~

23 (H) ~~Real property that is held by the juvenile's parent, while being~~
24 ~~used and occupied by such parent as a place of residence, shall not be~~
25 ~~considered a part of the estate of the parent for the purposes of section~~
26 ~~19-2-114.~~

27 **SECTION 18.** In Colorado Revised Statutes, 19-2-103, **repeal** (7)

1 as follows:

2 **19-2-103. Definitions.** For purposes of this article 2:

3 (7) "Estate" is defined in section ~~19-1-103 (47)~~.

4 **SECTION 19.** In Colorado Revised Statutes, 19-2-925, **amend**
5 (2)(a) introductory portion and (2)(a)(VII); and **repeal** (2)(a)(VIII) and
6 (2)(a)(IX) as follows:

7 **19-2-925. Probation - terms - release - revocation - graduated**
8 **responses system - report.** (2) (a) Conditions of probation ~~shall~~ **MUST**
9 be customized to each juvenile based on the guidelines developed by the
10 committee on juvenile justice reform pursuant to section 24-33.5-2402.
11 The court shall, as minimum conditions of probation, order that the
12 juvenile:

13 (VII) Make restitution as ordered by the court; AND

14 (VIII) ~~Pay the victim compensation fee as ordered by the court;~~

15 (IX) ~~Pay the surcharge levied pursuant to section 24-4.2-104~~
16 ~~(1)(a)(I); and~~

17 **SECTION 20.** In Colorado Revised Statutes, 18-1.3-507, **amend**
18 (6)(a) as follows:

19 **18-1.3-507. Community or useful public service -**
20 **misdemeanors.** (6) (a) The court shall assess a fee, not to exceed one
21 hundred twenty dollars, upon every person required to perform
22 community or useful public service pursuant to section 18-1.3-501 (2),
23 18-18-432, or 42-4-1301.4. The amount of the fee must be commensurate
24 with the costs of administering the person's community or useful public
25 service program. The court may waive this fee if the court determines the
26 defendant to be indigent. In counties where the judicial department
27 operates the local useful public service program, the court shall transfer

1 each such fee to the state treasurer, who shall credit the fee to the fund
2 created in section 18-1.3-507.5. THE COURT SHALL NOT IMPOSE THE FEE
3 DESCRIBED IN THIS SUBSECTION (6)(a) ON A PERSON UNDER THE
4 JURISDICTION OF THE JUVENILE COURT, AS DEFINED IN SECTION 19-1-103,
5 OR THE PERSON'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

6 **SECTION 21.** In Colorado Revised Statutes, 24-4.1-117, **repeal**
7 (1.5) as follows:

8 **24-4.1-117. Fund created - control of fund.** (1.5) ~~In any judicial~~
9 ~~district where a separate juvenile court exists, all moneys collected by~~
10 ~~such juvenile court shall be deposited in the fund and administered by the~~
11 ~~district court administrator.~~

12 **SECTION 22.** In Colorado Revised Statutes, **add** 18-1.3-704 as
13 follows:

14 **18-1.3-704. Outstanding balances owed by juveniles - report**
15 **- repeal.** (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
16 BALANCE OF ANY COURT-ASSESSED OR COURT-ORDERED COSTS IMPOSED
17 PURSUANT TO SECTION 16-11-101.6 (1), 18-1.3-407 (4.5) OR (11.5),
18 18-1.3-507 (6)(a), 18-1.3-701 (1) OR (2)(m), 18-21-103 (1.5), 18-25-101
19 (1), 21-1-103 (3), 24-4.1-119 (1)(a) OR (1)(d), 24-4.2-104 (1)(a)(I), OR
20 42-4-1307 (10) AGAINST A JUVENILE, AS DEFINED IN SECTION 18-1.3-407
21 (2)(a)(III)(A), THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF A
22 JUVENILE, OR OTHER PERSON WHO IS LIABLE FOR THE SUPPORT OF A
23 JUVENILE, ■ ■ ARE UNENFORCEABLE AND NOT COLLECTABLE.

24 (2) (a) WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS
25 SECTION, THE COURT SHALL VACATE THE PORTION OF A COURT ORDER
26 IMPOSING THE COSTS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

27 (b) IF THE JUDICIAL DEPARTMENT HAS REFERRED THE

1 OUTSTANDING BALANCE OF THE COSTS TO A PRIVATE COLLECTION AGENCY
2 FOR COLLECTION, THE DEPARTMENT SHALL INFORM THE AGENCY THAT THE
3 BALANCE HAS BEEN VACATED AND THE BALANCE IS NOT COLLECTABLE.

4 (c) ON OR BEFORE JULY 1, 2022, THE STATE COURT
5 ADMINISTRATOR SHALL REPORT TO THE HOUSE OF REPRESENTATIVES
6 JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
7 SUCCESSOR COMMITTEES, THE NUMBER OF ORDERS VACATED OR
8 PARTIALLY VACATED PURSUANT TO THIS SECTION IN EACH JUDICIAL
9 DISTRICT AND THE AMOUNT OF THE BALANCES VACATED IN EACH JUDICIAL
10 DISTRICT.

11 (3) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2025.

12 **SECTION 23.** In Colorado Revised Statutes, **add** 19-2-115 as
13 follows:

14 **19-2-115. Outstanding balances owed by juveniles - report -**
15 **repeal.** (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
16 BALANCE OF ANY COURT-ASSESSED OR COURT-ORDERED COSTS IMPOSED
17 PURSUANT TO SECTION 19-2-114, OTHER THAN PAYMENTS REQUIRED
18 PURSUANT TO TITLE IV-E OF THE FEDERAL "SOCIAL SECURITY ACT",
19 19-2-706 (2)(b), 19-2-905 (4), 19-2-907 (1)(1) OR (6), 19-2-925
20 (2)(a)(VIII) and (2)(a)(IX), OR 19-2-925.6 (1) AGAINST A JUVENILE, THE
21 PARENT OR GUARDIAN OF A JUVENILE, OR OTHER PERSON WHO IS LIABLE
22 FOR THE SUPPORT OF A JUVENILE WHO WAS ADJUDGED A WARD OF THE
23 JUVENILE COURT ARE UNENFORCEABLE AND NOT COLLECTABLE.

24 (2) (a) WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS
25 SECTION, THE COURT SHALL VACATE THE PORTION OF A COURT ORDER
26 IMPOSING THE COSTS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

27 (b) IF THE JUDICIAL DEPARTMENT HAS REFERRED THE

1 OUTSTANDING BALANCE OF THE COSTS TO A PRIVATE COLLECTION AGENCY
2 FOR COLLECTION, THE DEPARTMENT SHALL INFORM THE AGENCY THAT THE
3 BALANCE HAS BEEN VACATED AND THE BALANCE IS NOT COLLECTABLE.

4 (c) ON OR BEFORE JULY 1, 2022, THE STATE COURT
5 ADMINISTRATOR SHALL REPORT TO THE HOUSE OF REPRESENTATIVES
6 JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
7 SUCCESSOR COMMITTEES, THE NUMBER OF ORDERS VACATED OR
8 PARTIALLY VACATED PURSUANT TO THIS SECTION IN EACH JUDICIAL
9 DISTRICT AND THE AMOUNT OF THE BALANCES VACATED IN EACH JUDICIAL
10 DISTRICT.

11 (3) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2025.

12 **SECTION 24.** In Colorado Revised Statutes, **amend as added by**
13 **Senate Bill 21-059** 19-2.5-1120 as follows:

14 **19-2.5-1120. Cost of care.** (1) (a) Notwithstanding section
15 19-1-115 (4)(d), if a juvenile is sentenced to an out-of-home placement
16 or is granted probation as a result of an adjudication, deferral of
17 adjudication, or direct filing in or transfer to district court, the court may
18 order ~~the juvenile or the juvenile's parent~~ to make payments toward the
19 cost of care ~~as are appropriate under the circumstances. In setting the~~
20 ~~amount of such payments, the court shall take into consideration and~~
21 ~~make allowances for any restitution ordered to the victim or victims of a~~
22 ~~crime, which take priority over any payments ordered pursuant to this~~
23 ~~section, and for the maintenance and support of the juvenile's spouse,~~
24 ~~dependent children, any other persons having a legal right to support and~~
25 ~~maintenance out of the juvenile's estate, or any persons having a legal~~
26 ~~right to support and maintenance out of the estate of the juvenile's parent.~~
27 ~~The court shall also consider the financial needs of the juvenile for the~~

1 ~~six-month period immediately following the juvenile's release, for the~~
2 ~~purpose of allowing the juvenile to seek employment. ONLY AS REQUIRED~~
3 ~~PURSUANT TO TITLE IV-E OF THE FEDERAL "SOCIAL SECURITY ACT".~~

4 (b) ~~For an adoptive family who receives an approved Title IV-E~~
5 ~~adoption assistance subsidy pursuant to the federal "Social Security Act",~~
6 ~~42 U.S.C. sec. 673 et seq., or an approved payment in subsidization of~~
7 ~~adoption pursuant to article 7 of title 26, the cost of care, as defined in~~
8 ~~section 19-1-103, must not exceed the amount of the adoption assistance~~
9 ~~payment.~~

10 (2) ~~An order for payment toward the cost of care entered by the~~
11 ~~court pursuant to subsection (1) of this section constitutes a judgment~~
12 ~~enforceable by the state or the governmental agency that would otherwise~~
13 ~~incur the cost of care for the juvenile in the same manner as are civil~~
14 ~~judgments.~~

15 (3) ~~In order to effectuate this section, a juvenile and the juvenile's~~
16 ~~parent are required to provide information to the court regarding the~~
17 ~~juvenile's estate and the estate of the juvenile's parent. Such financial~~
18 ~~information must be submitted in writing and under oath.~~

19 **SECTION 25.** In Colorado Revised Statutes, 19-2.5-605, **repeal**
20 **as added by Senate Bill 21-059** (2)(b) as follows:

21 **19-2.5-605. Advisement - right to counsel - waiver of right to**
22 **counsel - definition.** (2) (b) (f) ~~If the court appoints counsel for the~~
23 ~~juvenile because of the refusal of the parents, guardian, or other legal~~
24 ~~custodian to retain counsel for the juvenile, the court shall advise the~~
25 ~~parents, guardian, or legal custodian, other than a county department of~~
26 ~~human or social services or the state department of human services, that~~
27 ~~if the juvenile's parent, guardian, or legal custodian is determined not to~~

1 be indigent pursuant to section 21-1-103 (3), then the court will order the
2 juvenile's parent, guardian, or legal custodian, other than a county
3 department of human or social services or the state department of human
4 services, to reimburse the court for the cost of the representation unless
5 the court, for good cause, waives the reimbursement requirement. The
6 amount of the reimbursement is a predetermined amount that:

7 (A) ~~Is set by the supreme court, in consultation with the office of~~
8 ~~the state public defender and the office of alternate defense counsel;~~

9 (B) ~~Is included in the chief justice directive concerning the~~
10 ~~appointment of state-funded counsel in criminal and juvenile delinquency~~
11 ~~cases; and~~

12 (C) ~~May be based partly or entirely upon the stage a proceeding~~
13 ~~has reached when counsel is appointed, the stage a proceeding has~~
14 ~~reached when representation is terminated, or both.~~

15 (H) ~~Notwithstanding subsection (2)(b)(I) of this section to the~~
16 ~~contrary, if the court finds that a conflict of interest exists between the~~
17 ~~juvenile and the juvenile's parent, guardian, or legal custodian such that~~
18 ~~the income and assets of the parent, guardian, or legal custodian are~~
19 ~~unavailable to the juvenile, then the court shall consider only the~~
20 ~~juvenile's own income and assets for the purpose of determining whether~~
21 ~~to issue an order for reimbursement pursuant to this subsection (2)(b).~~

22 **SECTION 26.** In Colorado Revised Statutes, 19-2.5-1119, **as**
23 **added by Senate Bill 21-059, amend** (1) introductory portion and (3)(a);
24 **repeal** (4); and **add** (6) as follows:

25 **19-2.5-1119. Genetic testing of adjudicated offenders -**
26 **definitions.** (1) Beginning July 1, 2007, each of the following
27 adjudicated offenders shall submit to ~~and pay for~~ collection and a

1 chemical testing of the offender's biological substance sample to
2 determine the offender's genetic markers, unless the offender has already
3 provided a biological substance sample for such testing pursuant to a
4 statute of this state:

5 (3) The judicial department, the department of human services, a
6 sheriff, or a contractor may:

7 (a) Use reasonable force to obtain biological substance samples
8 in accordance with this section using medically recognized procedures.
9 In addition, an offender's refusal to comply with this section may be
10 grounds for revocation or denial of parole, probation, or deferred
11 adjudication. ~~Failure to pay for collection and a chemical testing of a~~
12 ~~biological substance sample is considered a refusal to comply if the~~
13 ~~offender has the present ability to pay.~~

14 (4) ~~Any money received from an offender pursuant to this section~~
15 ~~must be deposited in the offender identification fund created in section~~
16 ~~24-33.5-415.6.~~

17 (6) A JUVENILE MUST NOT BE CHARGED A PROCESSING FEE FOR THE
18 PROCUREMENT AND ANALYSIS OF SAMPLES DESCRIBED IN THIS SECTION.

19 **SECTION 27.** In Colorado Revised Statutes, 19-2.5-1101,
20 **amend as added by Senate Bill 21-059** (4) as follows:

21 **19-2.5-1101. Presentence investigation.** (4) Prior to sentencing
22 a juvenile who was adjudicated for an offense that would be a felony or
23 misdemeanor not contained in title 42 if committed by an adult, the court
24 may order the juvenile to participate in an assessment to determine
25 whether the juvenile would be suitable for participation in restorative
26 justice practices that would be a part of the juvenile's sentence; except
27 that the court may not order participation in a restorative justice practice

1 if the juvenile was adjudicated a delinquent for unlawful sexual behavior,
2 as defined in section 16-22-102 (9); a crime in which the underlying
3 factual basis involves domestic violence, as defined in section 18-6-800.3
4 (1); stalking, as defined in section 18-3-602; or violation of a protection
5 order, as defined in section 18-6-803.5. If the court orders a suitability
6 assessment, the assessor shall provide the services for a fee of no more
7 than forty dollars based on a sliding scale ~~however, the fee may be~~
8 ~~reduced by the court based on a sliding scale~~ consistent with guidelines
9 used to determine eligibility for appointment of counsel. THE COURT
10 SHALL NOT INCLUDE PAYMENT OF THIS FEE AS PART OF PART OF ANY
11 COURT ORDER. If a juvenile wants to participate in restorative justice
12 practices, the juvenile must make the request to the district attorney or the
13 law enforcement agency administering the program and may not make the
14 request to the victim. If requested by the juvenile or law enforcement
15 agency, a victim-offender conference may only be conducted after the
16 victim is consulted by the district attorney and offered an opportunity to
17 participate or submit a victim impact statement. If a victim elects not to
18 attend, a victim-offender conference may be held with a suitable victim
19 surrogate or victim advocate, and the victim may submit a victim impact
20 statement. If the juvenile participates in a restorative justice practices
21 victim-offender conference, the facilitator shall provide these services for
22 a fee of no more than one hundred twenty-five dollars based on a sliding
23 scale ~~however, the fee may be waived by the court.~~ CONSISTENT WITH
24 GUIDELINES USED TO DETERMINE ELIGIBILITY FOR APPOINTMENT OF
25 COUNSEL. THE COURT SHALL NOT INCLUDE PAYMENT OF THIS FEE AS PART
26 OF PART OF ANY COURT ORDER.

27 **SECTION 28.** In Colorado Revised Statutes, 19-2.5-1103, as

1 **added by Senate Bill 21-059, amend (1)(l); and repeal (6) as follows:**

2 **19-2.5-1103. Sentencing schedule - options.** (1) Upon
3 completion of the sentencing hearing pursuant to section 19-2.5-1102, the
4 court shall enter a decree of sentence or commitment imposing any of the
5 following sentences or combination of sentences, as appropriate:

6 (l) Participation in an evaluation to determine whether the juvenile
7 would be suitable for restorative justice practices that would be a part of
8 the juvenile's sentence; except that the court may not order participation
9 in restorative justice practices if the juvenile was adjudicated a delinquent
10 for unlawful sexual behavior, as defined in section 16-22-102 (9); a crime
11 in which the underlying factual basis involves domestic violence, as
12 defined in section 18-6-800.3 (1); stalking, as defined in section
13 18-3-602; or violation of a protection order, as defined in section
14 18-6-803.5. If the court orders participation in restorative justice
15 practices, the facilitator shall provide these services for a fee of no more
16 than one hundred twenty-five dollars based on a sliding scale ~~however,~~
17 ~~the fee may be waived by the court~~ CONSISTENT WITH GUIDELINES USED
18 TO DETERMINE ELIGIBILITY FOR APPOINTMENT OF COUNSEL. THE COURT
19 SHALL NOT INCLUDE PAYMENT OF THIS FEE AS PART OF PART OF ANY
20 COURT ORDER. Nothing in this subsection (1)(l) requires a victim to
21 participate in a restorative justice victim-offender conference.

22 (6) ~~On and after July 1, 2000, each juvenile who is adjudicated for~~
23 ~~commission of an offense that would constitute a sex offense if~~
24 ~~committed by an adult or who receives for such offense a deferred~~
25 ~~adjudication is required to pay a surcharge to the sex offender surcharge~~
26 ~~fund, as provided in section 18-21-103; except that the judge may waive~~
27 ~~payment of all or any portion of the surcharge pursuant to section~~

1 ~~18-21-103 (4).~~

2 **SECTION 29.** In Colorado Revised Statutes, 19-2.5-102, **repeal**
3 **as added by Senate Bill 21-059** (20) as follows:

4 **19-2.5-102. Definitions.** In addition to the terms defined in
5 section 19-1-103, for the purposes of this article 2.5, unless the context
6 otherwise requires:

7 (20) (a) ~~"Estate", is defined in section 19-1-103 (47) as used in~~
8 ~~section 19-2.5-1120, means any tangible or intangible properties, real or~~
9 ~~personal, belonging to or due to a person, including income or payments~~
10 ~~to such person from previously earned salary or wages, bonuses,~~
11 ~~annuities, pensions, or retirement benefits, or any source whatsoever~~
12 ~~except federal benefits of any kind.~~

13 (b) (I) ~~Real property that is held in joint ownership or ownership~~
14 ~~in common with the juvenile's spouse, while being used and occupied by~~
15 ~~the spouse as a place of residence, is not considered a part of the estate of~~
16 ~~the juvenile for the purposes of section 19-2.5-1120.~~

17 (II) ~~Real property that is held by the juvenile's parent, while being~~
18 ~~used and occupied by such parent as a place of residence, is not~~
19 ~~considered a part of the estate of the parent for the purposes of section~~
20 ~~19-2.5-1120.~~

21 **SECTION 30.** In Colorado Revised Statutes, 19-2.5-1108, **as**
22 **added by Senate Bill 21-059, amend** (2)(a)(VII); and **repeal** (2)(a)(VIII)
23 and (2)(a)(IX) as follows:

24 **19-2.5-1108. Probation - terms - release - revocation -**
25 **graduated responses system - rules - report - definition.**

26 (2) (a) Conditions of probation must be customized to each juvenile
27 based on the guidelines developed by the committee on juvenile justice

1 reform pursuant to section 24-33.5-2402. The court shall, as minimum
2 conditions of probation, order that the juvenile:

3 (VII) Make restitution as ordered by the court; AND

4 (VIII) ~~Pay the victim compensation fee as ordered by the court;~~

5 (IX) ~~Pay the surcharge levied pursuant to section 24-4.2-104~~

6 ~~(1)(a)(I); and~~

7 **SECTION 31.** In Colorado Revised Statutes, **add** 19-2.5-110 as
8 follows:

9 **19-2.5-110. Outstanding balances owed by juveniles - report**
10 **- repeal.** (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
11 BALANCE OF ANY COURT-ASSESSED OR COURT-ORDERED COSTS IMPOSED
12 PURSUANT TO SECTION 19-2.5-605 (2)(b), 19-2.5-1101 (4), 19-2.5-1103
13 (1)(I) OR (6), 19-2.5-1108 (2)(a)(VIII) OR (2)(a)(IX), 19-2.5-1119 (1), OR
14 19-2.5-1120, OTHER THAN PAYMENTS REQUIRED PURSUANT TO TITLE IV-E
15 OF THE FEDERAL "SOCIAL SECURITY ACT", AGAINST A JUVENILE, THE
16 PARENT OR GUARDIAN OF A JUVENILE, OR OTHER PERSON WHO IS LIABLE
17 FOR THE SUPPORT OF A JUVENILE WHO WAS ADJUDGED A WARD OF THE
18 JUVENILE COURT ARE UNENFORCEABLE AND NOT COLLECTABLE.

19 (2) (a) WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF
20 SECTION 19-2-115, AS ENACTED BY HOUSE BILL 21-1315, THE COURT
21 SHALL VACATE THE PORTION OF A COURT ORDER IMPOSING THE COSTS
22 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

23 (b) IF THE JUDICIAL DEPARTMENT HAS REFERRED THE
24 OUTSTANDING BALANCE OF THE COSTS TO A PRIVATE COLLECTION AGENCY
25 FOR COLLECTION, THE DEPARTMENT SHALL INFORM THE AGENCY THAT THE
26 BALANCE HAS BEEN VACATED AND THE BALANCE IS NOT COLLECTABLE.

27 (c) ON OR BEFORE JULY 1, 2022, THE STATE COURT

1 ADMINISTRATOR SHALL REPORT TO THE HOUSE OF REPRESENTATIVES
2 JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
3 SUCCESSOR COMMITTEES, THE NUMBER OF ORDERS VACATED OR
4 PARTIALLY VACATED PURSUANT TO THIS SECTION, OR SECTION 19-2-115
5 PRIOR TO ITS REPEAL IN 2021, IN EACH JUDICIAL DISTRICT AND THE
6 AMOUNT OF THE BALANCES VACATED IN EACH JUDICIAL DISTRICT.

7 (3) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2025.

8

9 **SECTION 32.** In Colorado Revised Statutes, 18-25-101, **amend**

10 (3)(a) as follows:

11 **18-25-101. Restorative justice surcharge - definitions.**

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

20 **SECTION 33.** In Colorado Revised Statutes, 24-4.1-117, **amend**

21 (2) as follows:

22 **24-4.1-117. Fund created - control of fund.** (2) The fund ~~shall~~
23 ~~consist~~ CONSISTS of all ~~moneys~~ MONEY paid as a cost or surcharge levied
24 on criminal actions, as provided in section 24-4.1-119; any federal
25 ~~moneys~~ MONEY available to state or local governments for victim
26 compensation; all ~~moneys~~ MONEY received from any action or suit to
27 recover damages from an assailant for a compensable crime which was

1 the basis for an award of, and limited to, compensation received under
2 this part 1; and any restitution paid by an assailant to a victim for damages
3 for a compensable crime which was the basis for an award received under
4 this part 1 and for damages for which the victim has received an award of,
5 and limited to, compensation received under this part 1; MONEY
6 TRANSFERRED FROM THE MARIJUANA TAX CASH FUND PURSUANT TO
7 SECTION 39-28.8-501 (4.8)(b); AND ANY OTHER MONEY THAT THE
8 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

9 **SECTION 34.** In Colorado Revised Statutes, 24-4.2-103, **amend**
10 (1.5) as follows:

11 **24-4.2-103. Victims and witnesses assistance and law**
12 **enforcement fund - control of fund.** (1.5) In addition to the ~~moneys~~
13 MONEY paid into the fund pursuant to subsection (1) of this section, the
14 fund ~~shall consist~~ CONSISTS of ~~moneys~~ MONEY paid pursuant to section
15 17-27-104 (4)(b)(IV), ~~C.R.S.~~ MONEY TRANSFERRED FROM THE MARIJUANA
16 TAX CASH FUND PURSUANT TO SECTION 39-28.8-501 (4.8)(c), AND ANY
17 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
18 TRANSFER TO THE FUND.

19 **SECTION 35.** In Colorado Revised Statutes, 39-28.8-501, **add**
20 (4.8) as follows:

21 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
22 **- legislative declaration - repeal.** (4.8) (a) ON AUGUST 1, 2021, AND ON
23 AUGUST 1 OF EACH YEAR THEREAFTER, THE STATE TREASURER SHALL
24 MAKE THE FOLLOWING TRANSFERS FROM THE FUND:

25 (I) THIRTEEN THOUSAND DOLLARS TO THE RESTORATIVE JUSTICE
26 SURCHARGE FUND ESTABLISHED IN SECTION 18-25-101;

27 (II) THREE HUNDRED ELEVEN THOUSAND DOLLARS TO THE CRIME

1 VICTIM COMPENSATION FUND ESTABLISHED IN SECTION 24-4.1-117,
2 DISTRIBUTED IN ACCORDANCE WITH SUBSECTION (4.8)(b) OF THIS SECTION;
3 AND

4 (III) TWO HUNDRED SEVENTY-FOUR THOUSAND DOLLARS TO THE
5 VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND
6 ESTABLISHED IN SECTION 24-4.2-103, DISTRIBUTED IN ACCORDANCE WITH
7 SUBSECTION (4.8)(c) OF THIS SECTION.

8 (b) THE STATE COURT ADMINISTRATOR SHALL DISTRIBUTE THE
9 MONEY TRANSFERRED PURSUANT TO SECTION (4.8)(a)(II) OF THIS SECTION
10 TO THE CRIME VICTIM COMPENSATION FUND IN EACH JUDICIAL DISTRICT IN
11 PROPORTION TO EACH DISTRICT'S PERCENTAGE OF TOTAL STATEWIDE
12 SURCHARGES COLLECTED PURSUANT TO SECTION 24-4.1-117 (2) FOR THE
13 THREE-YEAR FISCAL YEAR PERIOD BEGINNING JULY 1, 2016. THE STATE
14 COURT ADMINISTRATOR SHALL NOT RETAIN ANY MONEY TRANSFERRED
15 PURSUANT TO SUBSECTION (4.8)(a)(II) OF THIS SECTION FOR ITS
16 ADMINISTRATIVE COSTS ASSOCIATED WITH MAKING THE DISTRIBUTION.

17 (c) THE STATE COURT ADMINISTRATOR SHALL DISTRIBUTE THE
18 MONEY TRANSFERRED PURSUANT TO SUBSECTION (4.8)(a)(III) OF THIS
19 SECTION TO THE VICTIMS AND WITNESSES ASSISTANCE AND LAW
20 ENFORCEMENT FUND IN EACH JUDICIAL DISTRICT IN PROPORTION TO EACH
21 DISTRICT'S PERCENTAGE OF TOTAL STATEWIDE SURCHARGES COLLECTED
22 PURSUANT TO SECTION 24-4.2-103 (1) FOR THE THREE-YEAR FISCAL YEAR
23 PERIOD BEGINNING JULY 1, 2016. THE STATE COURT ADMINISTRATOR
24 SHALL NOT RETAIN ANY MONEY TRANSFERRED PURSUANT TO SUBSECTION
25 (4.8)(a)(III) OF THIS SECTION FOR ITS ADMINISTRATIVE COSTS ASSOCIATED
26 WITH MAKING THE DISTRIBUTION.

27 **SECTION 36. Effective date.** This act takes effect upon passage;

1 except that sections 25 to 33 take effect only if Senate Bill 21-059
2 becomes law, in which case sections 25 to 33 take effect on the effective
3 date of this act or Senate Bill 21-059, whichever is later.

4 **SECTION 37. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.