

**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

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. No fine shall be imposed for conviction of a felony except as
16 provided in section 18-1.3-401 or 18-7-203 (2)(a). Such judgments ~~shall~~
17 ~~be~~ ARE enforceable in the same manner as are civil judgments, and, in
18 addition, ~~the provisions of section~~ SECTIONS 16-11-101.6 ~~C.R.S.~~, and
19 ~~section~~ 18-1.3-702 apply. A county clerk and recorder may not charge a
20 fee for the recording of a transcript or satisfaction of a judgment entered
21 pursuant to this section.

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

26 (m) Any costs of participation in a diversion program if the
27 offender ~~or juvenile~~ unsuccessfully participated in a diversion program

1 prior to the conviction. ~~or adjudication.~~

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

4 **21-1-103. Representation of indigent persons.** (3) THE STATE
5 PUBLIC DEFENDER SHALL MAKE the determination of indigency, ~~shall be~~
6 ~~made by the state public defender,~~ subject to review by the court. When
7 a defendant or, if applicable, the defendant's parent or legal guardian
8 requests representation by a public defender, such person shall submit an
9 appropriate application, the form of which ~~shall state~~ STATES that ~~such~~
10 THE application is signed under oath and under the penalty of perjury and
11 that a false statement may be prosecuted as such. THE APPLICANT SHALL
12 PAY a nonrefundable processing fee of twenty-five dollars ~~shall be paid~~
13 ~~by the applicant~~ if the court-appointed counsel enters an appearance based
14 upon the application; EXCEPT THAT A PERSON UNDER THE JURISDICTION OF
15 THE JUVENILE COURT, AS DEFINED IN SECTION 19-1-103, OR THE PERSON'S
16 PARENT, GUARDIAN, OR LEGAL CUSTODIAN IS NOT REQUIRED TO PAY THE
17 PROCESSING FEE. The fee ~~shall be~~ IS assessed at the time of sentencing, ~~or~~
18 ~~adjudication,~~ if sentencing ~~or adjudication~~ occurs, or upon other final
19 disposition of the case; except that the court may, at sentencing
20 ~~adjudication,~~ or other final disposition, waive the fee if the court
21 determines, based upon the financial information submitted by the party
22 being represented by the court-appointed counsel, that the person does not
23 have the financial resources to pay the fee. Before the court appoints a
24 public defender based on said application, the court shall advise the
25 defendant or, if applicable, the defendant's parent or legal guardian that
26 the application is signed under oath and under the penalty of perjury. A
27 copy of the application ~~shall~~ MUST be sent to the prosecuting attorney for

1 review, and, upon request, the court shall hold a hearing on the issue of
2 the eligibility for appointment of the public defender's office. Processing
3 fees collected pursuant to this subsection (3) ~~shall be~~ ARE transmitted to
4 the state treasurer, who shall credit the same to the general fund.

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

7 **19-2-706. Advisement - right to counsel - waiver of right to**
8 **counsel.** (2) (b) ~~(f) If the court appoints counsel for the juvenile because~~
9 ~~of the refusal of the parents, guardian, or other legal custodian to retain~~
10 ~~counsel for the juvenile, the parents, guardian, or legal custodian, other~~
11 ~~than a county department of human or social services or the state~~
12 ~~department of human services, shall be advised by the court that if the~~
13 ~~juvenile's parent, guardian, or legal custodian is determined not to be~~
14 ~~indigent pursuant to section 21-1-103 (3), then the court will order the~~
15 ~~juvenile's parent, guardian, or legal custodian, other than a county~~
16 ~~department of human or social services or the state department of human~~
17 ~~services, to reimburse the court for the cost of the representation unless~~
18 ~~the court, for good cause, waives the reimbursement requirement. The~~
19 ~~amount of the reimbursement will be a predetermined amount that:~~

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

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

26 ~~(C) May be based partly or entirely upon the stage a proceeding~~
27 ~~has reached when counsel is appointed, the stage a proceeding has~~

1 reached when representation is terminated, or both.

2 (H) ~~Notwithstanding any provision of subparagraph (I) of this~~
3 ~~paragraph (b) to the contrary, if the court finds that there exists a conflict~~
4 ~~of interest between the juvenile and the juvenile's parent, guardian, or~~
5 ~~legal custodian such that the income and assets of the parent, guardian, or~~
6 ~~legal custodian are unavailable to the juvenile, then the court shall~~
7 ~~consider only the juvenile's own income and assets for the purpose of~~
8 ~~determining whether to issue an order for reimbursement pursuant to this~~
9 ~~paragraph (b).~~

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

12 **24-4.1-119. Costs and surcharges levied on criminal actions**
13 **and traffic offenses.** (1) (a) Except as provided in ~~paragraphs (c) and (d)~~
14 ~~of this subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION, a cost of one
15 hundred sixty-three dollars for felonies, seventy-eight dollars for
16 misdemeanors, forty-six dollars for class 1 misdemeanor traffic offenses,
17 and thirty-three dollars for class 2 misdemeanor traffic offenses is ~~hereby~~
18 levied on each criminal action resulting in a conviction or in a deferred
19 judgment and sentence, as provided for in section 18-1.3-102, ~~C.R.S.~~,
20 which criminal action is charged pursuant to state statute. THE
21 DEFENDANT SHALL PAY these costs ~~shall be paid~~ to the clerk of the court.
22 ~~by the defendant.~~ Each clerk shall transmit the costs ~~so~~ received to the
23 court administrator of the judicial district in which the offense occurred
24 for credit to the crime victim compensation fund established in that
25 judicial district.

26 (d) ~~A cost, in an amount determined pursuant to paragraph (a) of~~
27 ~~this subsection (1), is hereby levied on every action upon the filing of a~~

1 ~~petition alleging a child is delinquent which results in a finding of guilty~~
2 ~~pursuant to part 8 of article 2 of title 19, C.R.S., or a deferral of~~
3 ~~adjudication pursuant to section 19-2-709, C.R.S. This cost shall be paid~~
4 ~~to the clerk of the court, who shall deposit the same in the fund~~
5 ~~established in section 24-4.1-117.~~

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

8 **24-4.2-104. Surcharges levied on criminal actions and traffic**
9 **offenses.** (1) (a) (I) A surcharge equal to thirty-seven percent of the fine
10 imposed for each felony, misdemeanor, or class 1 or class 2 misdemeanor
11 traffic offense, or a surcharge of one hundred sixty-three dollars for
12 felonies, seventy-eight dollars for misdemeanors, forty-six dollars for
13 class 1 misdemeanor traffic offenses, and thirty-three dollars for class 2
14 misdemeanor traffic offenses, whichever amount is greater, except as
15 otherwise provided in ~~paragraph (b) of this subsection (1)~~ SUBSECTION
16 (1)(b) OF THIS SECTION, is ~~hereby~~ levied on each criminal action resulting
17 in a conviction or in a deferred judgment and sentence, as provided in
18 section 18-1.3-102, C.R.S., which criminal action is charged pursuant to
19 state statute. ~~or upon each petition alleging that a child is delinquent that~~
20 ~~results in a finding of guilty pursuant to part 8 of article 2 of title 19~~
21 ~~C.R.S., or a deferral of adjudication pursuant to section 19-2-709, C.R.S.~~
22 THE DEFENDANT SHALL PAY these surcharges ~~shall be paid~~ to the clerk of
23 the court. ~~by the defendant.~~ Each clerk shall transmit the ~~moneys~~ MONEY
24 to the court administrator of the judicial district in which the offense
25 occurred for credit to the victims and witnesses assistance and law
26 enforcement fund established in that judicial district.

27 **SECTION 8.** In Colorado Revised Statutes, 18-21-103, **repeal**

1 (1.5) as follows:

2 **18-21-103. Source of revenues - allocation of money - sex**
3 **offender surcharge fund - creation.** (1.5) ~~On and after July 1, 2000,~~
4 ~~each juvenile who is adjudicated for commission of an offense that would~~
5 ~~constitute a sex offense if committed by an adult or who receives for such~~
6 ~~offense a deferred adjudication shall be required to pay a surcharge to the~~
7 ~~clerk of the court in which the adjudication occurs or in which the~~
8 ~~deferred adjudication is entered. The amount of such surcharge shall be~~
9 ~~half the amount that would have been assessed against an adult offender~~
10 ~~pursuant to subsection (1) of this section for commission of the offense.~~

11 **SECTION 9.** In Colorado Revised Statutes, 18-1.3-407, **amend**
12 (4.5) and (11.5)(a)(I); and **repeal** (11.5)(c) as follows:

13 **18-1.3-407. Sentences - youthful offenders - powers and duties**
14 **of district court - authorization for youthful offender system - powers**
15 **and duties of department of corrections - legislative declaration -**
16 **definitions.** (4.5) The consent of the parent, parents, or legal guardian of
17 an offender under the age of eighteen years who has been sentenced to the
18 youthful offender system pursuant to this section ~~shall~~ IS not be necessary
19 in order to authorize hospital, medical, mental health, dental, emergency
20 health, or emergency surgical care. In addition, neither the department nor
21 any hospital, physician, surgeon, mental health-care provider, dentist,
22 trained emergency health-care provider, or agent or employee thereof
23 who, in good faith, relies on such a minor offender's consent ~~shall be~~ IS
24 liable for civil damages for failure to secure the consent of such an
25 offender's parent, parents, or legal guardian prior to rendering such care.
26 ~~However,~~ The parent, parents, or legal guardian of a minor offender
27 described in this subsection (4.5) ~~may be~~ ARE NOT liable as ~~provided by~~

1 ~~law~~, to pay the charges for the care provided the minor on said minor's
2 consent.

3 (11.5) (a) (I) An offender who is sentenced to the youthful
4 offender system shall submit to ~~and pay for~~ collection and a chemical
5 testing of a biological substance sample from the offender to determine
6 the genetic markers thereof.

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

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

12 **19-2-925.6. Genetic testing of adjudicated offenders -**
13 **definitions.** (1) Beginning July 1, 2007, each of the following
14 adjudicated offenders shall submit to ~~and pay for~~ collection and a
15 chemical testing of the offender's biological substance sample to
16 determine the genetic markers thereof, unless the offender has already
17 provided a biological substance sample for such testing pursuant to a
18 statute of this state:

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

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

1 (4) ~~Any moneys received from an offender pursuant to this section~~
2 ~~shall be deposited in the offender identification fund created in section~~
3 ~~24-33.5-415.6, C.R.S.~~

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

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

8 **16-11-101.6. Collection of fines and fees - methods - charges**
9 **- judicial collection enhancement fund - definition.** (1) If the
10 defendant is assessed any fines, fees, costs, surcharges, or other monetary
11 assessments with regard to the sentencing OR OTHER disposition ~~or~~
12 ~~adjudication~~ of a felony, misdemeanor, ~~juvenile delinquency petition,~~
13 petty offense, traffic offense, or traffic infraction and does not pay all
14 amounts assessed in full on the date of the assessment, the defendant shall
15 pay to the clerk of the court an additional time payment fee of twenty-five
16 dollars. The time payment fee may be assessed once per case; except that,
17 if amounts owed in the case have still not been paid in full one year after
18 the date of the assessment, ~~said~~ THE fee ~~shall~~ MAY be assessed annually
19 until the defendant has fully satisfied his or her financial obligation in the
20 case. In addition, there may be assessed against a defendant a late penalty
21 fee of ten dollars each time a payment toward the fines, fees, costs,
22 surcharges, or other amounts owed is not received on or before the date
23 due. If the court determines that the defendant does not have the financial
24 resources to pay a time payment fee or a late penalty fee, the court may
25 waive or suspend a time payment fee or a late penalty fee. Amounts
26 collected ~~shall be~~ ARE credited first against the time payment and any late
27 penalty fees assessed under this subsection (1), then against any fines, and

1 finally against any costs. THE TIME PAYMENT FEE AND LATE PENALTY FEE
2 DESCRIBED IN THIS SUBSECTION (1) DO NOT APPLY TO A PERSON UNDER
3 THE JURISDICTION OF THE JUVENILE COURT OR THE PERSON'S PARENT,
4 GUARDIAN, OR LEGAL CUSTODIAN.

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

7 **18-25-101. Restorative justice surcharge - definitions.**

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

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

15 (4) The court may waive all or any portion of the surcharge
16 required by subsection (1) of this section if the court finds that a person
17 ~~or juvenile~~ is indigent or financially unable to pay all or any portion of the
18 surcharge. The court may waive only that portion of the surcharge that the
19 court finds that the person ~~or juvenile~~ is financially unable to pay.

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

22 **19-2-905. Presentence investigation.** (4) Prior to sentencing a
23 juvenile who was adjudicated for an offense that would be a felony or
24 misdemeanor not contained in title 42, ~~C.R.S.~~, if committed by an adult,
25 the court may order the juvenile to participate in an assessment to
26 determine whether the juvenile would be suitable for participation in
27 restorative justice practices that would be a part of the juvenile's sentence;

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

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

26 **19-2-907. Sentencing schedule - options.** (1) Upon completion
27 of the sentencing hearing pursuant to section 19-2-906, the court shall

1 enter a decree of sentence or commitment imposing any of the following
2 sentences or combination of sentences, as appropriate:

3 (l) Participation in an evaluation to determine whether the juvenile
4 would be suitable for restorative justice practices that would be a part of
5 the juvenile's sentence; except that the court may not order participation
6 in restorative justice practices if the juvenile was adjudicated a delinquent
7 for unlawful sexual behavior, as defined in section 16-22-102 (9); ~~C.R.S.~~;
8 a crime in which the underlying factual basis involves domestic violence,
9 as defined in section 18-6-800.3 (1); ~~C.R.S.~~; stalking, as defined in
10 section 18-3-602; ~~C.R.S.~~; or violation of a protection order, as defined in
11 section 18-6-803.5. ~~C.R.S.~~ If the court orders participation in restorative
12 justice practices, the facilitator shall provide these services ~~for a fee of no~~
13 ~~more than one hundred twenty-five dollars based on a sliding scale;~~
14 ~~however, the fee may be waived by the court~~ WITHOUT A FEE. Nothing in
15 this ~~paragraph (l) shall be construed to require~~ SUBSECTION (1)(l)
16 REQUIRES a victim to participate in a restorative justice victim-offender
17 conference.

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

25 **SECTION 15.** In Colorado Revised Statutes, 24-33.5-415.6,
26 **amend** (1) as follows:

27 **24-33.5-415.6. Offender identification - fund.** (1) There is

1 hereby created in the state treasury the offender identification fund,
2 referred to in this section as the "fund". ~~Moneys in the fund shall consist~~
3 THE FUND CONSISTS of costs and surcharges levied pursuant to this
4 section and payments for genetic testing received from offenders pursuant
5 to ~~sections 16-11-102.4, 18-1.3-407, and 19-2-925.6., C.R.S.~~ SECTION
6 16-11-102.4. Subject to annual appropriations by the general assembly,
7 the executive director and the state court administrator are authorized to
8 expend ~~moneys~~ MONEY in the fund to pay for genetic testing of offenders
9 pursuant to sections 16-11-102.4 and 18-1.3-407. ~~C.R.S.~~ At the end of
10 any fiscal year, all unexpended and unencumbered ~~moneys~~ MONEY
11 REMAINS in the fund ~~shall remain therein~~ and shall not be credited or
12 transferred to the general fund or any other fund.

13 **SECTION 16.** In Colorado Revised Statutes, 42-4-1307, **add**
14 (10.5) as follows:

15 **42-4-1307. Penalties for traffic offenses involving alcohol and**
16 **drugs - legislative declaration - definitions - repeal.** (10.5) THE COSTS
17 AND SURCHARGES DESCRIBED IN SUBSECTION (10) OF THIS SECTION DO
18 NOT APPLY TO A PERSON UNDER THE JURISDICTION OF THE JUVENILE
19 COURT, AS DEFINED IN SECTION 19-1-103, OR THE PERSON'S PARENT,
20 GUARDIAN, OR LEGAL CUSTODIAN.

21

22 **SECTION 17.** In Colorado Revised Statutes, 19-1-103, **repeal**
23 (47) as follows:

24 **19-1-103. Definitions.** As used in this title 19 or in the specified
25 portion of this title 19, unless the context otherwise requires:

26 (47) (a) ~~"Estate", as used in section 19-2-114, means any tangible~~
27 ~~or intangible properties, real or personal, belonging to or due to a person,~~

1 including income or payments to such person from previously earned
2 salary or wages, bonuses, annuities, pensions, or retirement benefits, or
3 any source whatsoever except federal benefits of any kind.

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

8 (II) ~~Real property that is held by the juvenile's parent, while being~~
9 ~~used and occupied by such parent as a place of residence, shall not be~~
10 ~~considered a part of the estate of the parent for the purposes of section~~
11 ~~19-2-114.~~

12 **SECTION 18.** In Colorado Revised Statutes, 19-2-103, **repeal** (7)
13 as follows:

14 **19-2-103. Definitions.** For purposes of this article 2:

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

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

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

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

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

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

1 ~~(1)(a)(I), and~~

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

4 **18-1.3-507. Community or useful public service -**
5 **misdemeanors.** (6) (a) The court shall assess a fee, not to exceed one
6 hundred twenty dollars, upon every person required to perform
7 community or useful public service pursuant to section 18-1.3-501 (2),
8 18-18-432, or 42-4-1301.4. The amount of the fee must be commensurate
9 with the costs of administering the person's community or useful public
10 service program. The court may waive this fee if the court determines the
11 defendant to be indigent. In counties where the judicial department
12 operates the local useful public service program, the court shall transfer
13 each such fee to the state treasurer, who shall credit the fee to the fund
14 created in section 18-1.3-507.5. THE COURT SHALL NOT IMPOSE THE FEE
15 DESCRIBED IN THIS SUBSECTION (6)(a) ON A PERSON UNDER THE
16 JURISDICTION OF THE JUVENILE COURT, AS DEFINED IN SECTION 19-1-103,
17 OR THE PERSON'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

18 **SECTION 21.** In Colorado Revised Statutes, 24-4.1-117, **repeal**
19 (1.5) as follows:

20 **24-4.1-117. Fund created - control of fund.** (1.5) ~~In any judicial~~
21 ~~district where a separate juvenile court exists, all moneys collected by~~
22 ~~such juvenile court shall be deposited in the fund and administered by the~~
23 ~~district court administrator.~~

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

26 **18-1.3-704. Outstanding balances owed by juveniles - report**
27 **- repeal.** (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE

1 BALANCE OF ANY COURT-ASSESSED OR COURT-ORDERED COSTS IMPOSED
2 PURSUANT TO SECTION 16-11-101.6 (1), 18-1.3-407 (4.5) OR (11.5),
3 18-1.3-507 (6)(a), 18-1.3-701 (1) OR (2)(m), 18-21-103 (1.5), 18-25-101
4 (1), 21-1-103 (3), 24-4.1-119 (1)(a) OR (1)(d), 24-4.2-104 (1)(a)(I), OR
5 42-4-1307 (10) AGAINST A JUVENILE, AS DEFINED IN SECTION 18-1.3-407,
6 THE PARENT OR GUARDIAN OF A JUVENILE, OR OTHER PERSON WHO IS
7 LIABLE FOR THE SUPPORT OF A JUVENILE, OR AN ADULT WHO, AT THE TIME
8 OF IMPOSITION OF THE COSTS, WAS NOT OVER TWENTY-ONE YEARS OF AGE,
9 ARE UNENFORCEABLE AND NOT COLLECTABLE.

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

13 (b) IF THE JUDICIAL DEPARTMENT HAS REFERRED THE
14 OUTSTANDING BALANCE OF THE COSTS TO A PRIVATE COLLECTION AGENCY
15 FOR COLLECTION, THE DEPARTMENT SHALL INFORM THE AGENCY THAT THE
16 BALANCE HAS BEEN VACATED AND THE BALANCE IS NOT COLLECTABLE.

17 (c) ON OR BEFORE JULY 1, 2022, THE STATE COURT
18 ADMINISTRATOR SHALL REPORT TO THE HOUSE OF REPRESENTATIVES
19 JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
20 SUCCESSOR COMMITTEES, THE NUMBER OF ORDERS VACATED OR
21 PARTIALLY VACATED PURSUANT TO THIS SECTION IN EACH JUDICIAL
22 DISTRICT AND THE AMOUNT OF THE BALANCES VACATED IN EACH JUDICIAL
23 DISTRICT.

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

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

27 **19-2-115. Outstanding balances owed by juveniles - report -**

1 **repeal.** (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
2 BALANCE OF ANY COURT-ASSESSED OR COURT-ORDERED COSTS IMPOSED
3 PURSUANT TO SECTION 19-2-114, OTHER THAN PAYMENTS REQUIRED
4 PURSUANT TO TITLE IV-E OF THE FEDERAL "SOCIAL SECURITY ACT",
5 19-2-706 (2)(b), 19-2-905 (4), 19-2-907 (1)(l) OR (6), 19-2-925
6 (2)(a)(VIII) and (2)(a)(IX), OR 19-2-925.6 (1) AGAINST A JUVENILE, THE
7 PARENT OR GUARDIAN OF A JUVENILE, OR OTHER PERSON WHO IS LIABLE
8 FOR THE SUPPORT OF A JUVENILE WHO WAS ADJUDGED A WARD OF THE
9 JUVENILE COURT ARE UNENFORCEABLE AND NOT COLLECTABLE.

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

13 (b) IF THE JUDICIAL DEPARTMENT HAS REFERRED THE
14 OUTSTANDING BALANCE OF THE COSTS TO A PRIVATE COLLECTION AGENCY
15 FOR COLLECTION, THE DEPARTMENT SHALL INFORM THE AGENCY THAT THE
16 BALANCE HAS BEEN VACATED AND THE BALANCE IS NOT COLLECTABLE.

17 (c) ON OR BEFORE JULY 1, 2022, THE STATE COURT
18 ADMINISTRATOR SHALL REPORT TO THE HOUSE OF REPRESENTATIVES
19 JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
20 SUCCESSOR COMMITTEES, THE NUMBER OF ORDERS VACATED OR
21 PARTIALLY VACATED PURSUANT TO THIS SECTION IN EACH JUDICIAL
22 DISTRICT AND THE AMOUNT OF THE BALANCES VACATED IN EACH JUDICIAL
23 DISTRICT.

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

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

27 **19-2.5-1120. Cost of care.** (1) (a) Notwithstanding section

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

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

23 (2) An order for payment toward the cost of care entered by the
24 court pursuant to subsection (1) of this section constitutes a judgment
25 enforceable by the state or the governmental agency that would otherwise
26 incur the cost of care for the juvenile in the same manner as are civil
27 judgments.

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

5 **SECTION 25.** In Colorado Revised Statutes, **repeal as added by**
6 **Senate Bill 21-059** 19-2.5-1120.

7 **19-2.5-605. Advisement - right to counsel - waiver of right to**
8 ~~**counsel - definition.** (2) (b) (f) If the court appoints counsel for the~~
9 ~~juvenile because of the refusal of the parents, guardian, or other legal~~
10 ~~custodian to retain counsel for the juvenile, the court shall advise the~~
11 ~~parents, guardian, or legal custodian, other than a county department of~~
12 ~~human or social services or the state department of human services, that~~
13 ~~if the juvenile's parent, guardian, or legal custodian is determined not to~~
14 ~~be indigent pursuant to section 21-1-103 (3), then the court will order the~~
15 ~~juvenile's parent, guardian, or legal custodian, other than a county~~
16 ~~department of human or social services or the state department of human~~
17 ~~services, to reimburse the court for the cost of the representation unless~~
18 ~~the court, for good cause, waives the reimbursement requirement. The~~
19 ~~amount of the reimbursement is a predetermined amount that:~~

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

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

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

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

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

11 **19-2.5-1119. Genetic testing of adjudicated offenders -**
12 **definitions.** (1) Beginning July 1, 2007, each of the following
13 adjudicated offenders shall submit to ~~and pay for~~ collection and a
14 chemical testing of the offender's biological substance sample to
15 determine the offender's genetic markers, unless the offender has already
16 provided a biological substance sample for such testing pursuant to a
17 statute of this state:

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

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

27 (4) ~~Any money received from an offender pursuant to this section~~

1 ~~must be deposited in the offender identification fund created in section~~
2 ~~24-33.5-415.6.~~

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

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

7 **19-2.5-1101. Presentence investigation.** (4) Prior to sentencing
8 a juvenile who was adjudicated for an offense that would be a felony or
9 misdemeanor not contained in title 42 if committed by an adult, the court
10 may order the juvenile to participate in an assessment to determine
11 whether the juvenile would be suitable for participation in restorative
12 justice practices that would be a part of the juvenile's sentence; except
13 that the court may not order participation in a restorative justice practice
14 if the juvenile was adjudicated a delinquent for unlawful sexual behavior,
15 as defined in section 16-22-102 (9); a crime in which the underlying
16 factual basis involves domestic violence, as defined in section 18-6-800.3
17 (1); stalking, as defined in section 18-3-602; or violation of a protection
18 order, as defined in section 18-6-803.5. ~~If the court orders a suitability~~
19 ~~assessment, the assessor shall provide the services for a fee of no more~~
20 ~~than forty dollars based on a sliding scale; however, the fee may be~~
21 ~~reduced by the court based on a sliding scale consistent with guidelines~~
22 ~~used to determine eligibility for appointment of counsel.~~ If a juvenile
23 wants to participate in restorative justice practices, the juvenile must
24 make the request to the district attorney or the law enforcement agency
25 administering the program and may not make the request to the victim. If
26 requested by the juvenile or law enforcement agency, a victim-offender
27 conference may only be conducted after the victim is consulted by the

1 district attorney and offered an opportunity to participate or submit a
2 victim impact statement. If a victim elects not to attend, a victim-offender
3 conference may be held with a suitable victim surrogate or victim
4 advocate, and the victim may submit a victim impact statement. ~~If the~~
5 ~~juvenile participates in a restorative justice practices victim-offender~~
6 ~~conference, the facilitator shall provide these services for a fee of no~~
7 ~~more than one hundred twenty-five dollars based on a sliding scale;~~
8 ~~however, the fee may be waived by the court.~~

9 **SECTION 28.** In Colorado Revised Statutes, 19-2.5-1103, **as**
10 **added by Senate Bill 21-059, amend (1)(l); and repeal (6)** as follows:

11 **19-2.5-1103. Sentencing schedule - options.** (1) Upon
12 completion of the sentencing hearing pursuant to section 19-2.5-1102, the
13 court shall enter a decree of sentence or commitment imposing any of the
14 following sentences or combination of sentences, as appropriate:

15 (l) Participation in an evaluation to determine whether the juvenile
16 would be suitable for restorative justice practices that would be a part of
17 the juvenile's sentence; except that the court may not order participation
18 in restorative justice practices if the juvenile was adjudicated a delinquent
19 for unlawful sexual behavior, as defined in section 16-22-102 (9); a crime
20 in which the underlying factual basis involves domestic violence, as
21 defined in section 18-6-800.3 (1); stalking, as defined in section
22 18-3-602; or violation of a protection order, as defined in section
23 18-6-803.5. If the court orders participation in restorative justice
24 practices, the facilitator shall provide these services ~~for a fee of no more~~
25 ~~than one hundred twenty-five dollars based on a sliding scale; however,~~
26 ~~the fee may be waived by the court~~ WITHOUT A FEE. Nothing in this
27 subsection (1)(l) requires a victim to participate in a restorative justice

1 victim-offender conference.

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

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

11 **19-2.5-102. Definitions.** In addition to the terms defined in
12 section 19-1-103, for the purposes of this article 2.5, unless the context
13 otherwise requires:

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

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

24 (II) ~~Real property that is held by the juvenile's parent, while being~~
25 ~~used and occupied by such parent as a place of residence, is not~~
26 ~~considered a part of the estate of the parent for the purposes of section~~
27 ~~19-2.5-1120.~~

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

4 **19-2.5-1108. Probation - terms - release - revocation -**
5 **graduated responses system - rules - report - definition.**

6 (2) (a) Conditions of probation must be customized to each juvenile
7 based on the guidelines developed by the committee on juvenile justice
8 reform pursuant to section 24-33.5-2402. The court shall, as minimum
9 conditions of probation, order that the juvenile:

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

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

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

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

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

16 **19-2.5-110. Outstanding balances owed by juveniles - report**

17 **- repeal.** (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE

18 BALANCE OF ANY COURT-ASSESSED OR COURT-ORDERED COSTS IMPOSED

19 PURSUANT TO SECTION 19-2.5-605 (2)(b), 19-2.5-1101 (4), 19-2.5-1103

20 (1)(I) OR (6), 19-2.5-1108 (2)(a)(VIII) OR (2)(a)(IX), 19-2.5-1119 (1), OR

21 19-2.5-1120, OTHER THAN PAYMENTS REQUIRED PURSUANT TO TITLE IV-E

22 OF THE FEDERAL "SOCIAL SECURITY ACT", AGAINST A JUVENILE, THE

23 PARENT OR GUARDIAN OF A JUVENILE, OR OTHER PERSON WHO IS LIABLE

24 FOR THE SUPPORT OF A JUVENILE WHO WAS ADJUDGED A WARD OF THE

25 JUVENILE COURT ARE UNENFORCEABLE AND NOT COLLECTABLE.

26 (2) (a) WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF

27 SECTION 19-2-115, AS ENACTED BY HOUSE BILL 21-1315, THE COURT

1 SHALL VACATE THE PORTION OF A COURT ORDER IMPOSING THE COSTS
2 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

3 (b) IF THE JUDICIAL DEPARTMENT HAS REFERRED THE
4 OUTSTANDING BALANCE OF THE COSTS TO A PRIVATE COLLECTION AGENCY
5 FOR COLLECTION, THE DEPARTMENT SHALL INFORM THE AGENCY THAT THE
6 BALANCE HAS BEEN VACATED AND THE BALANCE IS NOT COLLECTABLE.

7 (c) ON OR BEFORE JULY 1, 2022, THE STATE COURT
8 ADMINISTRATOR SHALL REPORT TO THE HOUSE OF REPRESENTATIVES
9 JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
10 SUCCESSOR COMMITTEES, THE NUMBER OF ORDERS VACATED OR
11 PARTIALLY VACATED PURSUANT TO THIS SECTION, OR SECTION 19-2-115
12 PRIOR TO ITS REPEAL IN 2021, IN EACH JUDICIAL DISTRICT AND THE
13 AMOUNT OF THE BALANCES VACATED IN EACH JUDICIAL DISTRICT.

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

15

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**

1 (2) as follows:

2 **24-4.1-117. Fund created - control of fund.** (2) The fund shall
3 consist CONSISTS of all moneys MONEY paid as a cost or surcharge levied
4 on criminal actions, as provided in section 24-4.1-119; any federal
5 moneys MONEY available to state or local governments for victim
6 compensation; all moneys MONEY received from any action or suit to
7 recover damages from an assailant for a compensable crime which was
8 the basis for an award of, and limited to, compensation received under
9 this part 1; and any restitution paid by an assailant to a victim for damages
10 for a compensable crime which was the basis for an award received under
11 this part 1 and for damages for which the victim has received an award of,
12 and limited to, compensation received under this part 1; AND ANY OTHER
13 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
14 TO THE FUND.

15 **SECTION 34.** In Colorado Revised Statutes, 24-4.2-103, amend
16 (1.5) as follows:

17 **24-4.2-103. Victims and witnesses assistance and law**
18 **enforcement fund - control of fund.** (1.5) In addition to the moneys
19 MONEY paid into the fund pursuant to subsection (1) of this section, the
20 fund shall consist CONSISTS of moneys MONEY paid pursuant to section
21 17-27-104 (4)(b)(IV) C.R.S. AND ANY OTHER MONEY THAT THE GENERAL
22 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

23 **SECTION 35.** In Colorado Revised Statutes, 39-28.8-501, add
24 (4.8) as follows:

25 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
26 **- legislative declaration - repeal.** (4.8) ON JULY 31, 2021, AND ON JULY
27 1 OF EACH YEAR THEREAFTER, THE STATE TREASURER SHALL MAKE THE

1 FOLLOWING TRANSFERS FROM THE FUND:

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

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

6 (c) TWO HUNDRED SEVENTY-FOUR THOUSAND DOLLARS TO THE
7 VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND
8 ESTABLISHED IN SECTION 24-4.2-103.

9 **SECTION 36. Effective date.** This act takes effect upon passage;
10 except that sections 25 to 33 take effect only if Senate Bill 21-059
11 becomes law, in which case sections 25 to 33 take effect on the effective
12 date of this act or Senate Bill 21-059, whichever is later.

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