

CHAPTER 461

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 21-1315

BY REPRESENTATIVE(S) Herod and Soper, Amabile, Bacon, Benavidez, Bennett, Bird, Boesenecker, Daugherty, Duran, Esgar, Gonzales-Gutierrez, Hooton, Jackson, Jodeh, Kipp, McCluskie, McCormick, Michaelson Jenet, Sirota, Snyder, Tipper, Weissman, Woodrow;
also SENATOR(S) Moreno and Gonzales, Bridges, Buckner, Kolker, Lee, Pettersen, Priola, Story, Winter, Garcia.

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

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

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

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

(b) Juvenile system fees disproportionately harm youth of color and their families. In Colorado, youth of color are arrested more often than White youth, detained at more than twice the rate of White youth, and incarcerated at more than four times the rate of White youth.

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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Colorado's juvenile system goals of community safety, rehabilitation, and restorative justice, juvenile fees must be repealed.

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

19-2-114. Cost of care. (1) (a) Notwithstanding the provisions of section 19-1-115 (4)(d), where a juvenile is sentenced to a placement out of the home or is granted probation as a result of an adjudication, deferral of adjudication, or direct filing in or transfer to district court, the court may order the juvenile or the juvenile's parent to make such payments toward the cost of care as are appropriate under the circumstances. ~~In setting the amount of such payments, the court shall take into consideration and make allowances for any restitution ordered to the victim or victims of a crime, which shall take priority over any payments ordered pursuant to this section, and for the maintenance and support of the juvenile's spouse, dependent children, any other persons having a legal right to support and maintenance out of the estate of the juvenile, or any persons having a legal right to support and maintenance out of the estate of the juvenile's parent. The court shall also consider the financial needs of the juvenile for the six-month period immediately following the juvenile's release, for the purpose of allowing said juvenile to seek employment.~~ ONLY AS REQUIRED PURSUANT TO TITLE IV OF THE FEDERAL "SOCIAL SECURITY ACT".

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

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

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

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

18-1.3-701. Judgment for costs and fines - definitions. (1) (a) ~~Where~~ WHEN

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

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

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

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

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

defendant's parent or legal guardian that the application is signed under oath and under the penalty of perjury. A copy of the application shall MUST be sent to the prosecuting attorney for review, and, upon request, the court shall hold a hearing on the issue of the eligibility for appointment of the public defender's office. Processing fees collected pursuant to this subsection (3) shall be ARE transmitted to the state treasurer, who shall credit the same to the general fund.

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

19-2-706. Advisement - right to counsel - waiver of right to counsel.

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

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

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

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

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

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

24-4.1-119. Costs and surcharges levied on criminal actions and traffic offenses. (1) (a) Except as provided in paragraphs (c) and (d) of this subsection (1) SUBSECTION (1)(c) OF THIS SECTION, a cost of one hundred sixty-three dollars for felonies, seventy-eight dollars for misdemeanors, forty-six dollars for class 1 misdemeanor traffic offenses, and thirty-three dollars for class 2 misdemeanor traffic offenses is hereby levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided for in section 18-1.3-102, C.R.S., which criminal action is charged pursuant to state statute. THE DEFENDANT SHALL

PAY these costs ~~shall be paid to the clerk of the court. by the defendant.~~ Each clerk shall transmit the costs so received to the court administrator of the judicial district in which the offense occurred for credit to the crime victim compensation fund established in that judicial district.

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

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

24-4.2-104. Surcharges levied on criminal actions and traffic offenses.

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

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

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

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

18-1.3-407. Sentences - youthful offenders - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - legislative declaration - definitions. (4.5) The consent of the parent, parents, or legal guardian of an offender under the age of

eighteen years who has been sentenced to the youthful offender system pursuant to this section ~~shall~~ is not be necessary in order to authorize hospital, medical, mental health, dental, emergency health, or emergency surgical care. In addition, neither the department nor any hospital, physician, surgeon, mental health-care provider, dentist, trained emergency health-care provider, or agent or employee thereof who, in good faith, relies on such a minor offender's consent ~~shall be~~ is liable for civil damages for failure to secure the consent of such an offender's parent, parents, or legal guardian prior to rendering such care. ~~However,~~ The parent, parents, or legal guardian of a minor offender described in this subsection (4.5) ~~may be~~ ARE NOT liable as provided by law, to pay the charges for the care provided the minor on said minor's consent.

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

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

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

19-2-925.6. Genetic testing of adjudicated offenders - definitions.

(1) Beginning July 1, 2007, each of the following adjudicated offenders shall submit to ~~and pay for~~ collection and a chemical testing of the offender's biological substance sample to determine the genetic markers thereof, unless the offender has already provided a biological substance sample for such testing pursuant to a statute of this state:

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

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

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

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

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

16-11-101.6. Collection of fines and fees - methods - charges - judicial collection enhancement fund - definition. (1) If the defendant is assessed any

finer, fees, costs, surcharges, or other monetary assessments with regard to the sentencing OR OTHER disposition or adjudication of a felony, misdemeanor, juvenile delinquency petition, petty offense, traffic offense, or traffic infraction and does not pay all amounts assessed in full on the date of the assessment, the defendant shall pay to the clerk of the court an additional time payment fee of twenty-five dollars. The time payment fee may be assessed once per case; except that, if amounts owed in the case have still not been paid in full one year after the date of the assessment, ~~said~~ THE fee shall MAY be assessed annually until the defendant has fully satisfied his or her financial obligation in the case. In addition, there may be assessed against a defendant a late penalty fee of ten dollars each time a payment toward the fines, fees, costs, surcharges, or other amounts owed is not received on or before the date due. If the court determines that the defendant does not have the financial resources to pay a time payment fee or a late penalty fee, the court may waive or suspend a time payment fee or a late penalty fee. Amounts collected shall be ARE credited first against the time payment and any late penalty fees assessed under this subsection (1), then against any fines, and finally against any costs. THE TIME PAYMENT FEE AND LATE PENALTY FEE DESCRIBED IN THIS SUBSECTION (1) DO NOT APPLY TO A PERSON UNDER THE JURISDICTION OF THE JUVENILE COURT OR THE PERSON'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

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

18-25-101. Restorative justice surcharge - definitions. (1) (a) Each person who is convicted of a crime ~~and each juvenile adjudicated of a crime shall be~~ IS required to pay a ten-dollar surcharge to the clerk of the court for the judicial district in which the conviction occurs.

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

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

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

19-2-905. Presentence investigation. (4) Prior to sentencing a juvenile who was adjudicated for an offense that would be a felony or misdemeanor not contained in title 42, ~~C.R.S.~~, if committed by an adult, the court may order the juvenile to participate in an assessment to determine whether the juvenile would be suitable for participation in restorative justice practices that would be a part of the juvenile's sentence; except that the court may not order participation in a restorative justice practice if the juvenile was adjudicated a delinquent for unlawful sexual behavior, as defined in section 16-22-102 (9); ~~C.R.S.~~, a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1); ~~C.R.S.~~, stalking, as defined in section 18-3-602; ~~C.R.S.~~, or violation of a protection order, as defined in section 18-6-803.5. ~~C.R.S.~~ If the court orders a suitability assessment,

the assessor shall provide the services for a fee of no more than forty dollars based on a sliding scale ~~however, the fee may be reduced by the court based on a sliding scale~~ consistent with guidelines used to determine eligibility for appointment of counsel. THE COURT SHALL NOT INCLUDE PAYMENT OF THIS FEE AS PART OF ANY COURT ORDER. If a juvenile wants to participate in restorative justice practices, the juvenile must make the request to the district attorney or the law enforcement agency administering the program and may not make the request to the victim. If requested by the juvenile or law enforcement agency, a victim-offender conference may only be conducted after the victim is consulted by the district attorney and offered an opportunity to participate or submit a victim impact statement. If a victim elects not to attend, a victim-offender conference may be held with a suitable victim surrogate or victim advocate, and the victim may submit a victim impact statement. If the juvenile participates in a restorative justice practices victim-offender conference, the facilitator shall provide these services for a fee of no more than one hundred twenty-five dollars based on a sliding scale ~~however, the fee may be waived by the court.~~ CONSISTENT WITH GUIDELINES USED TO DETERMINE ELIGIBILITY FOR APPOINTMENT OF COUNSEL. THE COURT SHALL NOT INCLUDE PAYMENT OF THIS FEE AS PART OF ANY COURT ORDER.

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

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

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

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

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

follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

- (VII) Make restitution as ordered by the court; AND
- (VIII) ~~Pay the victim compensation fee as ordered by the court;~~
- (IX) ~~Pay the surcharge levied pursuant to section 24-4.2-104 (1)(a)(I); and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19-2.5-1120. Cost of care. (1) (a) Notwithstanding section 19-1-115(4)(d), if a juvenile is sentenced to an out-of-home placement or is granted probation as a result of an adjudication, deferral of adjudication, or direct filing in or transfer to district court, the court may order ~~the juvenile~~ or the juvenile's parent to make

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

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

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

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

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

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

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

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

(C) May be based partly or entirely upon the stage a proceeding has reached

when counsel is appointed, the stage a proceeding has reached when representation is terminated, or both.

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

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

19-2.5-1119. Genetic testing of adjudicated offenders - definitions.

(1) Beginning July 1, 2007, each of the following adjudicated offenders shall submit to ~~and pay for~~ collection and a chemical testing of the offender's biological substance sample to determine the offender's genetic markers, unless the offender has already provided a biological substance sample for such testing pursuant to a statute of this state:

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

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

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

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

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

19-2.5-1101. Presentence investigation. (4) Prior to sentencing a juvenile who was adjudicated for an offense that would be a felony or misdemeanor not contained in title 42 if committed by an adult, the court may order the juvenile to participate in an assessment to determine whether the juvenile would be suitable for participation in restorative justice practices that would be a part of the juvenile's sentence; except that the court may not order participation in a restorative justice practice if the juvenile was adjudicated a delinquent for unlawful sexual behavior, as defined in section 16-22-102 (9); a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1); stalking, as defined in section 18-3-602; or violation of a protection order, as defined in section 18-6-803.5. If the court orders a suitability assessment, the assessor shall provide

the services for a fee of no more than forty dollars based on a sliding scale ~~however, the fee may be reduced by the court based on a sliding scale~~ consistent with guidelines used to determine eligibility for appointment of counsel. THE COURT SHALL NOT INCLUDE PAYMENT OF THIS FEE AS PART OF ANY COURT ORDER. If a juvenile wants to participate in restorative justice practices, the juvenile must make the request to the district attorney or the law enforcement agency administering the program and may not make the request to the victim. If requested by the juvenile or law enforcement agency, a victim-offender conference may only be conducted after the victim is consulted by the district attorney and offered an opportunity to participate or submit a victim impact statement. If a victim elects not to attend, a victim-offender conference may be held with a suitable victim surrogate or victim advocate, and the victim may submit a victim impact statement. If the juvenile participates in a restorative justice practices victim-offender conference, the facilitator shall provide these services for a fee of no more than one hundred twenty-five dollars based on a sliding scale ~~however, the fee may be waived by the court~~. CONSISTENT WITH GUIDELINES USED TO DETERMINE ELIGIBILITY FOR APPOINTMENT OF COUNSEL. THE COURT SHALL NOT INCLUDE PAYMENT OF THIS FEE AS PART OF ANY COURT ORDER.

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

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

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

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

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

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

~~(2) (a) "Estate", as used in section 19-2.5-1120, means any tangible or intangible properties, real or personal, belonging to or due to a person, including income or payments to such person from previously earned salary or wages, bonuses, annuities, pensions, or retirement benefits, or any source whatsoever except federal benefits of any kind.~~

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

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

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

19-2.5-1108. Probation - terms - release - revocation - graduated responses system - rules - report - definition. (2) (a) Conditions of probation must be customized to each juvenile based on the guidelines developed by the committee on juvenile justice reform pursuant to section 24-33.5-2402. The court shall, as minimum conditions of probation, order that the juvenile:

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

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

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

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

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

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

(b) IF THE JUDICIAL DEPARTMENT HAS REFERRED THE OUTSTANDING BALANCE OF THE COSTS TO A PRIVATE COLLECTION AGENCY FOR COLLECTION, THE DEPARTMENT

SHALL INFORM THE AGENCY THAT THE BALANCE HAS BEEN VACATED AND THE BALANCE IS NOT COLLECTABLE.

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

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

SECTION 32. In Colorado Revised Statutes, 18-25-101, **amend** (3)(a) as follows:

18-25-101. Restorative justice surcharge - definitions. (3)(a) There is created in the state treasury the restorative justice surcharge fund that consists of money received by the state treasurer pursuant to this section and section 13-3-116 (4.5) AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. The money in the fund is subject to annual appropriation by the general assembly to the judicial department for distribution to judicial districts that offer restorative justice programs and to the restorative justice coordinating council for administrative expenses.

SECTION 33. In Colorado Revised Statutes, 24-4.1-117, **amend** (2) as follows:

24-4.1-117. Fund created - control of fund. (2) The fund ~~shall consist~~ CONSISTS of all ~~moneys~~ MONEY paid as a cost or surcharge levied on criminal actions, as provided in section 24-4.1-119; any federal ~~moneys~~ MONEY available to state or local governments for victim compensation; all ~~moneys~~ MONEY received from any action or suit to recover damages from an assailant for a compensable crime which was the basis for an award of, and limited to, compensation received under this part 1; ~~and~~ any restitution paid by an assailant to a victim for damages for a compensable crime which was the basis for an award received under this part 1 and for damages for which the victim has received an award of, and limited to, compensation received under this part 1; MONEY TRANSFERRED FROM THE MARIJUANA TAX CASH FUND PURSUANT TO SECTION 39-28.8-501 (4.9)(b); AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

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

24-4.2-103. Victims and witnesses assistance and law enforcement fund - control of fund. (1.5) In addition to the ~~moneys~~ MONEY paid into the fund pursuant to subsection (1) of this section, the fund ~~shall consist~~ CONSISTS of ~~moneys~~ MONEY paid pursuant to section 17-27-104 (4)(b)(IV), ~~C.R.S.~~ MONEY TRANSFERRED FROM THE MARIJUANA TAX CASH FUND PURSUANT TO SECTION 39-28.8-501 (4.9)(c), AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

SECTION 35. In Colorado Revised Statutes, 39-28.8-501, **add** (4.9) as follows:

39-28.8-501. Marijuana tax cash fund - creation - distribution - legislative declaration - repeal. (4.9) (a) ON AUGUST 1, 2021, AND ON AUGUST 1 OF EACH YEAR THEREAFTER, THE STATE TREASURER SHALL MAKE THE FOLLOWING TRANSFERS FROM THE FUND:

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

(II) THREE HUNDRED ELEVEN THOUSAND DOLLARS TO THE CRIME VICTIM COMPENSATION FUND ESTABLISHED IN SECTION 24-4.1-117, DISTRIBUTED IN ACCORDANCE WITH SUBSECTION (4.9)(b) OF THIS SECTION; AND

(III) TWO HUNDRED SEVENTY-FOUR THOUSAND DOLLARS TO THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND ESTABLISHED IN SECTION 24-4.2-103, DISTRIBUTED IN ACCORDANCE WITH SUBSECTION (4.9)(c) OF THIS SECTION.

(b) THE STATE COURT ADMINISTRATOR SHALL DISTRIBUTE THE MONEY TRANSFERRED PURSUANT TO SUBSECTION (4.9)(a)(II) OF THIS SECTION TO THE CRIME VICTIM COMPENSATION FUND IN EACH JUDICIAL DISTRICT IN PROPORTION TO EACH DISTRICT'S PERCENTAGE OF TOTAL STATEWIDE SURCHARGES COLLECTED PURSUANT TO SECTION 24-4.1-117 (2) FOR THE THREE-YEAR FISCAL YEAR PERIOD BEGINNING JULY 1, 2016. THE STATE COURT ADMINISTRATOR SHALL NOT RETAIN ANY MONEY TRANSFERRED PURSUANT TO SUBSECTION (4.9)(a)(II) OF THIS SECTION FOR ITS ADMINISTRATIVE COSTS ASSOCIATED WITH MAKING THE DISTRIBUTION.

(c) THE STATE COURT ADMINISTRATOR SHALL DISTRIBUTE THE MONEY TRANSFERRED PURSUANT TO SUBSECTION (4.9)(a)(III) OF THIS SECTION TO THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND IN EACH JUDICIAL DISTRICT IN PROPORTION TO EACH DISTRICT'S PERCENTAGE OF TOTAL STATEWIDE SURCHARGES COLLECTED PURSUANT TO SECTION 24-4.2-103 (1) FOR THE THREE-YEAR FISCAL YEAR PERIOD BEGINNING JULY 1, 2016. THE STATE COURT ADMINISTRATOR SHALL NOT RETAIN ANY MONEY TRANSFERRED PURSUANT TO SUBSECTION (4.9)(a)(III) OF THIS SECTION FOR ITS ADMINISTRATIVE COSTS ASSOCIATED WITH MAKING THE DISTRIBUTION.

SECTION 36. Effective date. This act takes effect upon passage; except that sections 24 to 31 of this act take effect only if Senate Bill 21-059 becomes law, in which case sections 24 to 31 take effect on the effective date of this act or Senate Bill 21-059, whichever is later.

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

Approved: July 6, 2021