

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 22-0302.01 Alana Rosen x2606

**SENATE BILL 22-043**

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**SENATE SPONSORSHIP**

Cooke,

**HOUSE SPONSORSHIP**

(None),

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ENHANCING RESTITUTION SERVICES FOR VICTIMS.**

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**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>.)*

Current law requires a prosecuting attorney to submit information to the court to determine the specific amount of restitution upon order of conviction or within 91 days. The bill extends the deadline for a prosecuting attorney to submit information to the court to determine the specific amount of restitution upon order of conviction or within 182 days for adult cases. Upon submission of the prosecuting attorney's information, the court shall determine the specific amount of restitution within 63 days. For cases involving juveniles, the deadline for a

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.

prosecuting attorney to submit information remains 91 days.

The bill requires a prosecuting attorney to consider a list of allowable and collectable expenses as the prosecuting attorney gathers information from a victim to submit to the court to determine restitution.

The bill creates the division of restitution services planning group (planning group) in the department of human services' (department) office of economic security. The planning group is required to draft a plan that will help facilitate the creation of a new division of restitution services. The planning group must submit a report to the house of representatives judiciary committee and the senate judiciary committee, or any successor committees; the governor; and the department.

The bill creates the division of restitution services (division) in the department's office of economic security. The director of the division is appointed by the governor. Pursuant to the planning group's recommendations, the duties of the division are:

- To coordinate with the planning group to implement its recommendations;
- To collaborate with state agencies to support a centralized state restitution case registry system;
- To support and guide victims seeking restitution;
- To advocate to the general assembly and state agencies on behalf of victims navigating the restitution system; and
- To educate victims, defendants, and other state agencies on the restitution system.

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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) Restitution aims to restore a victim and repair the financial  
5 harm a crime created in the victim's life;

6 (b) Instead of ignoring the harm inflicted on a victim, restitution  
7 has the ability to repair part of the injury the crime caused;

8 (c) Restitution has the ability to rehabilitate an offender, allowing  
9 the offender to acknowledge the guilt and shame associated with the  
10 crime, and provides the offender the opportunity to make things right;

11 (d) What qualifies as an allowable restitution expense is subjective

1 and varies from jurisdiction to jurisdiction;

2 (e) Between January 2020 and April 2021, inmates who were  
3 incarcerated in the department of corrections received stimulus checks  
4 from the federal government through the "Coronavirus Aid, Relief, and  
5 Economic Security Act", Pub.L. 116-136;

6 (f) If an inmate does not meet the inmate's financial obligation to  
7 pay restitution to the inmate's victim, the victim and the victim's family  
8 suffer financial distress;

9 (g) To alleviate the financial distress of victims, at least eight  
10 states and the federal government require that an inmate's federal stimulus  
11 checks be used to pay restitution to victims; and

12 (h) Courts, including the United States Court of Appeals for the  
13 Tenth Circuit, have ruled that garnishing federal stimulus money from an  
14 inmate's bank account to pay restitution to victims is constitutional and  
15 enforceable.

16 (2) Therefore, the general assembly finds that, to help restore a  
17 victim, there must be efforts to improve the restitution system, including:

18 (a) To expand the list of allowable restitution expenses that are  
19 proximately caused by the crime; and

20 (b) To access an inmate's federal stimulus money to pay restitution  
21 to the victim.

22 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-602, add (2.2)  
23 and (3.7) as follows:

24 **18-1.3-602. Definitions.** As used in this part 6, unless the context  
25 otherwise requires:

26 (2.2) "CRITICAL STAGES" MEANS THE STAGES OF THE CRIMINAL  
27 JUSTICE PROCESS AS DESCRIBED IN SECTION 24-4.1-302 (2).

1           (3.7) "TRAVEL EXPENSES" MEANS EXPENSES INCURRED BY  
2           AIRPLANE, TRAIN, BUS, OR CAR TRAVEL, INCLUDING BAGGAGE FEES  
3           INCURRED BY TRAVEL EXPENSES; FARES FOR TRANSPORTATION TO AND  
4           FROM THE AIRPORT, TRAIN STATION, BUS STATION, OR HOTEL TO THE  
5           COURT PROCEEDING OR SECURE SITE; RENTAL CAR EXPENSES OR THE COST  
6           OF OPERATING A PERSONAL VEHICLE EQUAL TO THE STANDARD MILEAGE  
7           RATE ALLOWED PURSUANT TO 26 U.S.C. SEC. 162, AS AMENDED; AND  
8           MEAL PER DIEM EQUAL TO THE STANDARD MEAL PER DIEM ALLOWED  
9           PURSUANT TO 26 U.S.C. SEC. 162, AS AMENDED.

10           **SECTION 3.** In Colorado Revised Statutes, 18-1.3-603, **amend**  
11           **(2); and add (11) as follows:**

12           **18-1.3-603. Assessment of restitution - corrective orders.**

13           (2) (a) The court shall base its order for restitution upon information  
14           presented to the court by the prosecuting attorney, who shall compile such  
15           information through victim impact statements or other means to  
16           determine the amount of restitution and the identities of the victims.  
17           Further, the prosecuting attorney shall present this information to the  
18           court prior to the order of conviction or within ninety-one days, if it is not  
19           available prior to the order of conviction. The court may extend this date  
20           if it finds that there are extenuating circumstances affecting the  
21           prosecuting attorney's ability to determine restitution.

22           (b) IN COMPUTING RESTITUTION PURSUANT TO SUBSECTION (2)(a)  
23           OF THIS SECTION, THE FOLLOWING EXPENSES ARE ALLOWABLE IF  
24           PROXIMATELY CAUSED BY THE CRIME, INCLUDING BUT NOT LIMITED TO:

25           (I) LONG-TERM OR ONGOING MEDICAL EXPENSES AS A RESULT OF  
26           THE CRIME FOR WHICH THE OFFENDER WAS CONVICTED OR OF ANY  
27           CONDUCT ARISING OUT OF THE CASE;

1           (II) REIMBURSEMENT FOR INSURANCE DEDUCTIBLES, INCLUDING  
2           DEDUCTIBLES FOR MEDICAL EXPENSES FOR PHYSICAL AND MENTAL  
3           HEALTH ISSUES, PROPERTY DAMAGE OR LOSS, AND AUTOMOBILE DAMAGE  
4           OR LOSS;

5           (III) REPLACEMENT COSTS FOR DAMAGED OR DESTROYED  
6           PROPERTY, INCLUDING LOCKS, WINDOWS, AND DOORS;

7           (IV) TRAVEL EXPENSES TO COURT HEARINGS IF THE VICTIM  
8           TRAVELS OVER ONE HUNDRED MILES ONE WAY FROM THE LOCATION OF  
9           THE COURT PROCEEDING OR WHEN THE VICTIM IS AWAY FROM HOME  
10          LONGER THAN ONE DAY, REQUIRING AN OVERNIGHT STAY. A VICTIM MAY  
11          RECEIVE TRAVEL EXPENSES FOR TRAVEL TO CRITICAL STAGES OF THE CASE  
12          ONLY FOR THE CRITICAL STAGES DESCRIBED IN SECTION 24-4.1-302 (2)(b),  
13          (2)(e), (2)(f), (2)(g), AND (2)(h).

14          (V) TRAVEL EXPENSES TO A SECURE SITE, IF REQUIRED, TO  
15          PARTICIPATE VIRTUALLY IN COURT PROCEEDINGS;

16          (VI) CHILD CARE EXPENSES WHILE THE VICTIM PARTICIPATES IN  
17          COURT PROCEEDINGS; AND

18          (VII) REIMBURSEMENT FOR LOST WAGES TO ATTEND A CRITICAL  
19          STAGE OF THE CASE FOR THE CRITICAL STAGES DESCRIBED IN SECTION  
20          24-4.1-302 (2)(b), (2)(e), (2)(f), (2)(g), AND (2)(h).

21          (c) THE COURT SHALL REVIEW THE TRAVEL EXPENSES DESCRIBED  
22          IN SUBSECTIONS (2)(b)(IV) AND (2)(b)(V) OF THIS SECTION TO ENSURE  
23          THE TRAVEL EXPENSES ARE REASONABLE. IF THE COURT FINDS THE  
24          TRAVEL EXPENSES ARE UNREASONABLE, THE COURT MAY REDUCE THE  
25          AMOUNT OF RECOVERABLE TRAVEL EXPENSES TO A REASONABLE AMOUNT.

26          (d) NOTWITHSTANDING THE DETERMINATION OF RESTITUTION, AN  
27          ORDER OF CONVICTION IS FINAL.

1           (11) ABSENT AN AGREEMENT BETWEEN THE DEFENDANT AND THE  
2           PROSECUTION AT THE TIME THE PLEA IS ENTERED, A COURT MAY NOT  
3           IMPOSE RESTITUTION FOR PECUNIARY LOSSES PROXIMATELY CAUSED BY  
4           CONDUCT EXCLUSIVELY RELATED TO DISMISSED CHARGES.

5           **SECTION 4.** In Colorado Revised Statutes, 16-18.5-106, **add**  
6           (2.5) as follows:

7           **16-18.5-106. Restitution for persons sentenced to the**  
8           **department of corrections.** (2.5) (a) NOTWITHSTANDING ANY PROVISION  
9           OF THE LAW TO THE CONTRARY, THE EXECUTIVE DIRECTOR OF THE  
10           DEPARTMENT OF CORRECTIONS SHALL ORDER THAT ANY FEDERAL  
11           STIMULUS FUNDS AN INMATE RECEIVED IN THE INMATE'S BANK ACCOUNT  
12           FROM THE FEDERAL GOVERNMENT'S "CORONAVIRUS AID, RELIEF, AND  
13           ECONOMIC SECURITY ACT", PUB.L. 116-136, OR ANY SUBSEQUENT  
14           FEDERAL STIMULUS FUNDING RELATED TO THE COVID-19 PANDEMIC, BE  
15           DEDUCTED AND, SUBJECT TO THE LIMIT OF THE FEDERAL STIMULUS FUNDS  
16           IN THE INMATE'S BANK ACCOUNT, PAID TOWARD ANY OUTSTANDING  
17           COURT-ORDERED RESTITUTION RESULTING FROM A CRIMINAL CASE.

18           (b) ANY REMAINING FEDERAL STIMULUS FUNDS IN THE INMATE'S  
19           BANK ACCOUNT MUST BE DISPERSED IN ACCORDANCE WITH SECTION  
20           16-18.5-110.

21           **SECTION 5. Act subject to petition - effective date.** This act  
22           takes effect at 12:01 a.m. on the day following the expiration of the  
23           ninety-day period after final adjournment of the general assembly; except  
24           that, if a referendum petition is filed pursuant to section 1 (3) of article V  
25           of the state constitution against this act or an item, section, or part of this  
26           act within such period, then the act, item, section, or part will not take  
27           effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.