

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 24-0636.01 Megan McCall x4215

SENATE BILL 24-120

SENATE SPONSORSHIP

Fields,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING UPDATES TO THE "CRIME VICTIM COMPENSATION ACT".**

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>.)

The bill makes the following updates to the "Crime Victim Compensation Act" (act):

- Changes verbiage concerning an award of compensation to approval of compensation for consistency with how crime victim compensation programs operate;
- Revises language to be gender neutral;
- Changes the terminology for court administrator to court executive to reflect the accurate position title as changed by

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- the state court administrator's office;
- Includes state offenses specified in the "Victim Rights Act" under the definition of compensable crime;
- Includes as property damage expenses incurred for a motor vehicle determined by law enforcement to be where a compensable crime was committed;
- Modifies the requirement to notify appropriate law enforcement officials to be eligible to receive compensation under the act by removing the 72-hour requirement. The requirement is met if the victim or applicant provides documentation that a forensic examination was conducted by a licensed or registered nurse or medical providers.
- Modifies the requirement to fully cooperate with law enforcement officials to be eligible to receive compensation under the act to requiring the applicant to have reasonably cooperated with law enforcement officials;
- Removes the requirement that an application be submitted within one year of the date of injury to the victim;
- Removes outpatient care and homemaker and home health services and adds replacement services losses, which is defined in the bill, funeral expenses, certain travel expenses, dependent care services, and certain relocation services as losses compensable under the act;
- Adds as compensable losses towing or impound fees for a motor vehicle that is determined to be where a compensable crime was committed and prosthetic or medically necessary devices were damaged or stolen as a result of a compensable crime;
- Excludes property damage expenses and motor vehicle expenses as losses compensable under the act except as otherwise provided under the act;
- Allows for emergency approvals to be made in an amount according to a judicial district's crime victim compensation board's policies instead of the \$2,000 cap under existing law;
- Increases the amount that district attorneys may retain from money deposited in the judicial district's crime victim compensation fund for administrative costs from 12.5% to 22.5%;
- Levies a cost of \$33 on each criminal action that results with placement in an alternative sentencing program to be credited to the crime victim compensation fund established in the judicial district where the offense occurred; and
- Removes the exception from the prohibition from a court

suspending or waiving a cost or surcharge levied under the act if the court determines a defendant against a cost or surcharge levied is indigent.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-4.1-102, **amend**
3 (1), (4)(a)(I), (4)(b), (5)(b), (7.5), (8.5)(b), (9), (10)(a), (10)(b), and
4 (10)(c); and **add** (9.5) as follows:

5 **24-4.1-102. Definitions.** As used in this part 1, unless the context
6 otherwise requires:

7 (1) "Applicant" means any victim of a compensable crime who
8 applies to the fund for compensation under this part 1. In the case of such
9 A victim's death, the term includes any person who was ~~his~~ THE VICTIM'S
10 dependent at the time of the death of that victim.

11 (4) (a) "Compensable crime" means:

12 (I) An intentional, knowing, reckless, or criminally negligent act
13 of a person or any act in violation of section 42-4-1301 (1) or (2) ~~C.R.S.~~;
14 that results in residential property damage to or ~~bodily~~ injury or death of
15 another person or results in loss of or damage to eyeglasses, dentures,
16 hearing aids, or other prosthetic or medically necessary devices and
17 which, if committed by a person of full legal capacity, is punishable as a
18 crime in this state; or

19 (b) "Compensable crime" includes, BUT IS NOT LIMITED TO, ANY
20 STATE OFFENSE THAT IS A CRIME PURSUANT TO SECTION 24-4.1-302 (1)
21 AND ANY federal ~~offenses that are~~ OFFENSE THAT IS comparable to those
22 specified in ~~paragraph (a) of this subsection (4)~~ SUBSECTION (4)(a) OF
23 THIS SECTION and ~~are~~ IS committed in this state.

24 (5) (b) "Dependent" also means ~~the~~ A child or ~~spouse~~ INTIMATE

1 PARTNER of the accused or other person in an intimate relationship, as
2 defined in section 18-6-800.3, ~~C.R.S.~~, with the accused, if the accused
3 provided household support to the dependent.

4 (7.5) "Household support" means the monetary support that a
5 dependent would have received from the accused for the purpose of
6 maintaining a home or residence AND DEPENDENT CARE.

7 (8.5) (b) "Property damage" also includes expenses related to the
8 rekeying of a motor vehicle or other locks necessary to ensure a victim's
9 safety AND MAY INCLUDE EXPENSES INCURRED FOR A MOTOR VEHICLE
10 THAT IS DETERMINED BY LAW ENFORCEMENT TO BE WHERE A
11 COMPENSABLE CRIME WAS COMMITTED.

12 (9) "Relative" means a victim's ~~spouse~~, INTIMATE PARTNER,
13 parent, grandparent, stepfather, stepmother, child, grandchild, brother,
14 sister, half brother, half sister, or spouse's parents. The term includes said
15 relationships that are created as a result of adoption. In addition,
16 "relative" includes any person who has a family-type relationship with a
17 victim.

18 (9.5) "REPLACEMENT SERVICES LOSS" MEANS EXPENSES
19 REASONABLY INCURRED IN OBTAINING NECESSARY SERVICES THAT AN
20 INJURED OR DECEASED VICTIM WOULD OTHERWISE HAVE PERFORMED FOR
21 THE BENEFIT OF THE VICTIM'S SELF OR FAMILY, BUT NOT FOR INCOME, IF
22 THE VICTIM HAD NOT BEEN INJURED OR DIED.

23 (10) (a) "Victim" means any of the following persons who suffer
24 property damage, economic loss, injury, or death as a result of a
25 compensable crime perpetrated or attempted in whole or in part in this
26 state:

27 (I) Any person against whom a compensable crime is perpetrated

1 or attempted. Such A person ~~shall be referred to as~~ IS a "primary victim".

2 (II) ~~Any person who attempts to assist or assists a primary victim;~~

3 (III) ~~Any person who is a relative of a primary victim.~~

4 (b) "Victim" also means a person who suffers injury or death, the
5 proximate cause of which is a compensable crime perpetrated or
6 attempted in the person's presence against a primary victim. SUCH A
7 PERSON IS A "SECONDARY VICTIM" AND ALSO INCLUDES:

8 (I) ANY PERSON WHO ATTEMPTS TO ASSIST OR ASSISTS A PRIMARY
9 VICTIM; OR

10 (II) ANY PERSON WHO IS A RELATIVE OF A PRIMARY VICTIM.

11 (c) "Victim" also means a person who is a resident of this state
12 and who is a victim of a crime that occurred outside of this state, where
13 the crime would be a compensable crime had it occurred in this state and
14 where the state or country in which the crime occurred does not have a
15 REASONABLY ACCESSIBLE crime victim compensation program for which
16 the person would be eligible.

17 **SECTION 2.** In Colorado Revised Statutes, 24-4.1-103, **amend**
18 (1) as follows:

19 **24-4.1-103. Crime victim compensation board - creation.**

20 (1) There is hereby created in each judicial district a crime victim
21 compensation board. Each board ~~shall be~~ IS composed of three members
22 to be appointed by the district attorney. The district attorney shall
23 designate one of the members as ~~chairman~~ CHAIRPERSON. To the extent
24 possible, members shall fairly reflect the population of the judicial
25 district.

26 **SECTION 3.** In Colorado Revised Statutes, **amend** 24-4.1-104
27 as follows:

1 **24-4.1-104. District attorney to assist board.** The district
2 attorney and ~~his~~ THE DISTRICT ATTORNEY'S legal and administrative staff
3 shall assist the board in the performance of its duties pursuant to this part
4 1.

5 **SECTION 4.** In Colorado Revised Statutes, 24-4.1-105, **amend**
6 (1) and (3) as follows:

7 **24-4.1-105. Application for compensation.** (1) A person who
8 may be eligible for compensation under this part 1 may apply to the board
9 in the judicial district in which the crime was committed. In a case in
10 which the person entitled to apply is a minor, the application may be
11 made on ~~his~~ THE MINOR'S behalf by ~~his~~ THE MINOR'S parent or guardian.
12 In a case in which the person entitled to apply is mentally incompetent,
13 the application may be made on ~~his~~ THE PERSON'S behalf by ~~his~~ THE
14 PERSON'S parent, conservator, or guardian or by any other individual
15 authorized to administer ~~his~~ THE PERSON'S estate.

16 (3) If the applicant makes any false statement as to a material fact,
17 ~~he shall be~~ THE APPLICANT IS ineligible for ~~an award~~ APPROVAL pursuant
18 to this part 1.

19 **SECTION 5.** In Colorado Revised Statutes, 24-4.1-108, **amend**
20 (1) introductory portion, (1)(b), (1)(c), (1)(e), (1)(f), (1.5) introductory
21 portion, (1.5)(c), (1.5)(d), (3), and (4) as follows:

22 **24-4.1-108. Approving compensation.** (1) A person is entitled
23 to ~~an award~~ APPROVAL of compensation under this part 1 if:

24 (b) The appropriate law enforcement officials were notified of the
25 perpetration of the crime allegedly causing the death of or injury to the
26 victim. ~~within seventy-two hours after its perpetration, unless the board~~
27 ~~finds good cause exists for the failure of notification;~~ THE REQUIREMENT

1 TO NOTIFY THE APPROPRIATE LAW ENFORCEMENT OFFICIALS REQUIRED BY
2 THIS SUBSECTION (1)(b) IS SATISFIED IF, AS THE RESULT OF THE
3 COMPENSABLE CRIME THAT THE APPLICATION IS BEING SUBMITTED FOR,
4 THE VICTIM OR APPLICANT PROVIDES DOCUMENTATION THAT A FORENSIC
5 EXAMINATION WAS CONDUCTED BY A LICENSED OR REGISTERED NURSE OR
6 MEDICAL PROVIDER.

7 (c) The applicant has cooperated ~~fully~~ REASONABLY with law
8 enforcement officials in the apprehension and prosecution of the
9 assailant, or the board has found good cause exists for the failure to
10 cooperate, or, if the applicant is a victim of assault by strangulation, the
11 applicant cooperates with law enforcement by undergoing a medical
12 forensic examination;

13 (e) The death of or injury to the victim was not substantially
14 attributable to ~~his~~ THE VICTIM'S wrongful act or substantial provocation
15 of ~~his~~ THE VICTIM'S assailant; and

16 (f) The application for ~~an award~~ APPROVAL of compensation under
17 this part 1 is filed with the board. ~~within one year of the date of injury to~~
18 ~~the victim or within such further extension of time as the board, for good~~
19 ~~cause shown, allows. For purposes of this paragraph (f), "good cause"~~
20 ~~may include but is not limited to circumstances in which a crime has~~
21 ~~remained unsolved for more than one year.~~

22 (1.5) A person is entitled to ~~an award~~ APPROVAL of compensation
23 for property damage under this part 1 if:

24 (c) The applicant has cooperated ~~fully~~ REASONABLY with law
25 enforcement officials in the apprehension and prosecution of the assailant
26 or the board has found THAT good cause exists for the failure to
27 cooperate; and

1 (d) The application for ~~an award~~ APPROVAL of compensation for
2 property damage under this part 1 is filed with the board within six
3 months of the date of property damage or within such further extension
4 of time as the board, for good cause shown, allows.

5 (3) Upon a finding by the board that compensation should be
6 ~~awarded~~, APPROVED, the board shall submit a ~~statement of award~~
7 PAYMENT REQUEST to the court ~~administrator~~ EXECUTIVE, who shall remit
8 payment in accordance with the ~~statement of award~~ PAYMENT REQUEST.

9 (4) Consistent with approved standards established pursuant to
10 section 24-4.1-117.3 (3) for the administration of crime victim
11 compensation funds, the board may develop policies to ensure that
12 ~~primary~~ victims are compensated and to ensure that available ~~moneys~~
13 MONEY in the fund ~~are~~ IS not exceeded.

14 **SECTION 6.** In Colorado Revised Statutes, 24-4.1-109, **amend**
15 (1)(e), (1.5)(a), (2)(a), and (2)(b); **repeal** (1)(c) and (1)(d); and **add**
16 (1)(d.5), (1)(i), (1)(j), (1)(k), (1)(l), and (2)(d) as follows:

17 **24-4.1-109. Losses compensable.** (1) Losses compensable under
18 this part 1 resulting from death of or injury to a victim include:

- 19 (c) ~~Outpatient care~~;
- 20 (d) ~~Homemaker and home health services~~;
- 21 (d.5) REPLACEMENT SERVICES LOSSES;
- 22 (e) FUNERAL AND burial expenses;
- 23 (i) REASONABLE TRAVEL EXPENSES FOR A VICTIM RELATED TO
24 FUNERAL, BURIAL, MEDICAL CARE, OR MENTAL HEALTH COUNSELING;
- 25 (j) REASONABLE TRAVEL EXPENSES FOR A VICTIM RELATED TO
26 ATTENDING CRITICAL EVENTS PURSUANT TO SECTION 24-4.1-302 (2),
27 EXCEPT WHEN THE PRIMARY OR SECONDARY VICTIM IS SUBPOENAED TO

1 TESTIFY;

2 (k) DEPENDENT CARE SERVICES; AND

3 (l) REASONABLE RELOCATION EXPENSES FOR A VICTIM TO

4 RELOCATE AS NECESSARY TO ENSURE THE VICTIM'S SAFETY.

5 (1.5) (a) Losses compensable under this part 1 resulting from

6 property damage include:

7 (I) (A) Repair or replacement of RESIDENTIAL property damaged

8 as a result of a compensable crime; or

9 (B) Payment of the deductible amount on a residential OR MOTOR

10 VEHICLE insurance policy;

11 (II) Any modification to the victim's residence that is necessary to

12 ensure victim safety; ~~and~~

13 (III) The rekeying of a motor vehicle or other lock that is

14 necessary to ensure the victim's safety;

15 (IV) TOWING OR IMPOUND FEES FOR A MOTOR VEHICLE THAT LAW

16 ENFORCEMENT DETERMINES TO BE WHERE A COMPENSABLE CRIME WAS

17 COMMITTED; AND

18 (V) REPAIR OR REPLACEMENT OF DENTURES, EYEGASSES,

19 HEARING AIDS, OR OTHER PROSTHETIC OR MEDICALLY NECESSARY DEVICES

20 DAMAGED OR STOLEN AS A RESULT OF A COMPENSABLE CRIME.

21 (2) Compensable losses do not include:

22 (a) Pain and suffering or property damage ~~other than residential~~

23 ~~property damage or rekeying a lock pursuant to subparagraph (III) of~~

24 ~~paragraph (a) of subsection (1.5)~~ EXPENSES OTHER THAN THOSE SPECIFIED

25 IN SUBSECTION (1.5)(a) of this section; ~~or~~

26 (b) Aggregate damages to the victim or to the dependents of a

27 victim exceeding thirty thousand dollars; OR

1 (d) MOTOR VEHICLE EXPENSES OTHER THAN THOSE SPECIFIED IN
2 SUBSECTIONS (1.5)(a)(I)(B) AND (1.5)(a)(III) OF THIS SECTION.

3 **SECTION 7.** In Colorado Revised Statutes, **amend** 24-4.1-110
4 as follows:

5 **24-4.1-110. Recovery from collateral source.** (1) The board
6 ~~shall~~ MAY deduct from compensation it ~~awards~~ APPROVES under this part
7 1 any payments received by the applicant from the offender or from a
8 person on behalf of the offender, from the United States or any state, or
9 any subdivision or agency thereof, from a private source, or from an
10 emergency ~~award~~ APPROVAL under this part 1 for injury or death
11 compensable under this part 1, excluding death or pension benefits.

12 (2) If compensation is ~~awarded~~ APPROVED under this part 1 and
13 the person receiving it also receives a collateral sum under subsection (1)
14 of this section which has not been deducted from it, ~~he~~ THE PERSON shall
15 refund to the board the lesser of the sums or the amount of compensation
16 paid to ~~him~~ THE PERSON under this part 1 unless the aggregate of both
17 sums does not exceed ~~his~~ THE PERSON'S losses. The fund ~~shall be~~ IS the
18 payer of last resort.

19 (3) If a defendant is ordered to pay restitution under article 18.5
20 of title 16 ~~C.R.S.~~, to a person who has received compensation awarded
21 under this part 1, an amount equal to the compensation ~~awarded shall~~
22 APPROVED MUST be transmitted from such restitution to the board for
23 allocation to the fund.

24 **SECTION 8.** In Colorado Revised Statutes, **amend** 24-4.1-111
25 as follows:

26 **24-4.1-111. Compensation to relatives.** (1) A relative of a
27 victim, even though ~~he~~ THE RELATIVE was not a dependent of the victim,

1 is eligible for compensation for reasonable medical, FUNERAL, or burial
2 expenses for the victim, if:

3 (a) Such expenses were paid by ~~him~~ THE RELATIVE; and

4 (b) ~~He~~ THE RELATIVE files a claim in the manner provided in this
5 part 1.

6 **SECTION 9.** In Colorado Revised Statutes, **amend** 24-4.1-112
7 as follows:

8 **24-4.1-112. Emergency approvals.** (1) The board may order an
9 emergency ~~award~~ APPROVAL to the applicant pending a final decision in
10 the claim if it appears to the board, prior to taking action upon the claim,
11 that undue hardship will result to the applicant if immediate payment is
12 not made. ~~Awards~~ APPROVALS pursuant to this section are intended to
13 cover expenses incurred by crime victims in meeting their immediate
14 short-term needs. The amount of ~~such award shall not~~ AN APPROVAL
15 PURSUANT TO THIS SECTION MUST NOT exceed ~~two thousand dollars~~ THE
16 AMOUNT SET FORTH IN THE BOARD'S POLICIES REGARDING EMERGENCY
17 APPROVALS and ~~shall~~ MUST be deducted from any final ~~award~~ APPROVAL
18 made as a result of the claim.

19 (2) If the amount of ~~such~~ AN emergency ~~award~~ APPROVAL exceeds
20 the sum the board would have ~~awarded~~ APPROVED pursuant to this part 1,
21 such excess ~~shall~~ MUST be repaid by the recipient.

22 **SECTION 10.** In Colorado Revised Statutes, **amend** 24-4.1-114
23 as follows:

24 **24-4.1-114. Assignment, attachment, or garnishment of**
25 **approved compensation.** No compensation payable under this article
26 4.1, prior to actual receipt thereof by the person or beneficiary entitled
27 thereto or ~~his~~ THE PERSON'S OR BENEFICIARY'S legal representative, ~~shall~~

1 be IS assignable or subject to execution, garnishment, attachment, or any
2 other process, including process to satisfy an order or judgment for
3 support or alimony.

4 SECTION 11. In Colorado Revised Statutes, **amend**
5 24-4.1-114.5 as follows:

6 24-4.1-114.5. **Limitations on characterization of payment as**
7 **income.** No compensation payable to an applicant under this part 1 shall
8 be IS included in the applicant's income for purposes of the Colorado
9 income tax imposed in article 22 of title 39, ~~C.R.S.~~; nor shall IS it be
10 considered as income, property, or support for the purposes of
11 determining the eligibility of the applicant for public assistance or the
12 amount of assistance payments pursuant to section 26-2-108. ~~C.R.S.~~

13 SECTION 12. In Colorado Revised Statutes, **amend** 24-4.1-116
14 as follows:

15 24-4.1-116. **Subrogation.** The acceptance of an award APPROVED
16 COMPENSATION made pursuant to this part 1 shall subrogate SUBROGATES
17 the state, to the extent of such award, THE APPROVED AMOUNT, to any
18 right or right of action accruing to the applicant.

19 SECTION 13. In Colorado Revised Statutes, **amend** 24-4.1-117
20 as follows:

21 24-4.1-117. **Fund created - control of fund.** (1) The crime
22 victim compensation fund is hereby established in the office of the court
23 administrator EXECUTIVE of each judicial district for the benefit of
24 eligible applicants under this part 1.

25 (2) The fund consists of all money paid as a cost or surcharge
26 levied on criminal actions, as provided in section 24-4.1-119; any federal
27 money available to state or local governments for victim compensation;

1 all money received from any action or suit to recover damages from an
2 assailant for a compensable crime which was the basis for ~~an award~~
3 APPROVAL of, and limited to, compensation received under this part 1;
4 any restitution paid by an assailant to a victim for damages for a
5 compensable crime which was the basis for ~~an award~~ APPROVAL OF
6 COMPENSATION received under this part 1 and for damages for which the
7 victim has received ~~an award~~ APPROVAL of, and limited to, compensation
8 received under this part 1; money transferred from the marijuana tax cash
9 fund pursuant to section 39-28.8-501 (4.9)(b); and any other money that
10 the general assembly may appropriate or transfer to the fund.

11 (3) All ~~moneys~~ MONEY deposited in the fund ~~shall be~~ IS deposited
12 in an interest-bearing account, which ~~shall~~ MUST be no less secure than
13 those used by the state treasurer, and which ~~shall~~ MUST yield the highest
14 interest possible. All interest earned by ~~moneys~~ MONEY in the fund ~~shall~~
15 ~~be~~ IS credited to the fund.

16 (4) At the conclusion of each fiscal year, all ~~moneys~~ MONEY
17 remaining in the fund ~~shall remain~~ REMAINS in the fund. ~~for use the~~
18 ~~succeeding year~~

19 (5) All ~~moneys~~ MONEY deposited in the fund ~~shall~~ MUST be used
20 solely for the compensation of victims pursuant to this part 1; except that
21 the district attorney and the court ~~administrator~~ EXECUTIVE may use an
22 aggregate of no more than ~~twelve~~ TWENTY-TWO and one-half percent of
23 the total amount of ~~moneys~~ MONEY in the crime victim compensation
24 fund for administrative costs incurred pursuant to this part 1. The district
25 attorney ~~shall be permitted to~~ MAY use no more than ~~ten~~ TWENTY percent
26 of the total amount of ~~moneys~~ MONEY in the fund for administrative costs.
27 The court ~~administrator shall be permitted to~~ EXECUTIVE MAY use no

1 more than two and one-half percent of the total amount of ~~moneys~~ MONEY
2 in the fund for administrative costs.

3 (6) Grants of federal ~~funds~~ MONEY that ~~are~~ IS accepted pursuant
4 to this part 1 for the purpose of assisting crime victims shall not be used
5 to supplant state funds available to assist crime victims.

6 **SECTION 14.** In Colorado Revised Statutes, 24-4.1-117.3,
7 **amend** (2)(a)(VIII) as follows:

8 **24-4.1-117.3. Crime victim services advisory board - creation**
9 **- duties.** (2) (a) The advisory board ~~shall consist~~ CONSISTS of at least
10 seventeen members appointed by the executive director, including but not
11 limited to:

12 (VIII) A ~~judicial district administrator~~ COURT EXECUTIVE or
13 judicial district representative;

14 **SECTION 15.** In Colorado Revised Statutes, **amend** 24-4.1-118
15 as follows:

16 **24-4.1-118. Court executive custodian of fund - disbursements.**
17 The court ~~administrator~~ EXECUTIVE of each judicial district ~~shall be~~ IS the
18 custodian of the fund, and THE COURT EXECUTIVE SHALL PAY all
19 disbursements from the fund shall be paid by him upon written
20 authorization of the board or the court.

21 **SECTION 16.** In Colorado Revised Statutes, 24-4.1-119, **amend**
22 (1)(a), (1)(b), (1)(c), (1)(f), (1)(g)(I), (1.5), (2), and (3); and **add** (1)(h) as
23 follows:

24 **24-4.1-119. Costs and surcharges levied on criminal actions**
25 **and traffic offenses.** (1) (a) Except as provided in subsection (1)(c) of
26 this section, a cost of one hundred sixty-three dollars for felonies,
27 seventy-eight dollars for misdemeanors, forty-six dollars for class 1

1 misdemeanor traffic offenses, and thirty-three dollars for class 2
2 misdemeanor traffic offenses is levied on each criminal action resulting
3 in a conviction or in a deferred judgment and sentence, as provided for in
4 section 18-1.3-102, which criminal action is charged pursuant to state
5 statute. The defendant shall pay these costs to the clerk of the court. Each
6 clerk shall transmit the costs received to the court ~~administrator~~
7 EXECUTIVE of the judicial district in which the offense occurred for credit
8 to the crime victim compensation fund established in that judicial district.

9 (b) The costs required by ~~paragraph (a) of this subsection (1)~~
10 SUBSECTION (1)(a) OF THIS SECTION shall not be levied on criminal actions
11 which are charged pursuant to the penalty assessment provisions of
12 section 42-4-1701, ~~C.R.S.~~, or to any violations of articles 1 to 15 of title
13 33. ~~C.R.S.~~

14 (c) A cost of thirty-three dollars is ~~hereby~~ levied on each criminal
15 action resulting in a conviction or in a deferred judgment and sentence,
16 as provided for in section 18-1.3-102 ~~C.R.S.~~, of a violation of section
17 42-4-1301 (1) or (2). ~~C.R.S. This cost shall be paid~~ THE DEFENDANT
18 SHALL PAY THIS COST to the clerk of the court, who shall ~~deposit the same~~
19 ~~in~~ TRANSMIT THE COSTS RECEIVED TO THE COURT EXECUTIVE OF THE
20 JUDICIAL DISTRICT IN WHICH THE OFFENSE OCCURRED FOR CREDIT TO the
21 crime victim compensation fund established in ~~section 24-4.1-117~~ THAT
22 JUDICIAL DISTRICT.

23 (f) (I) A surcharge is ~~hereby~~ levied against each penalty
24 assessment imposed for a violation of a class A or class B traffic
25 infraction or class 1 or class 2 misdemeanor traffic offense pursuant to
26 section 42-4-1701. ~~C.R.S.~~ The amount of the surcharge ~~shall be~~ IS one
27 half of the amount specified in the penalty and surcharge schedule in

1 section 42-4-1701 (4) ~~C.R.S.~~, or, if no surcharge amount is specified, the
2 surcharge ~~shall be~~ IS calculated as thirty-seven percent of the penalty
3 imposed. All ~~moneys~~ MONEY collected by the department of revenue
4 pursuant to this ~~paragraph (f) shall~~ SUBSECTION (1)(f) MUST be
5 transmitted to the court ~~administrator~~ EXECUTIVE of the judicial district
6 in which the infraction occurred for credit to the crime victim
7 compensation fund established in that judicial district ~~as provided in~~
8 ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN section 42-1-217.
9 ~~C.R.S.~~

10 (II) All calculated surcharge amounts pursuant to this ~~paragraph~~
11 ~~(f)~~ SUBSECTION (1)(f) resulting in dollars and cents ~~shall~~ MUST be rounded
12 down to the nearest whole dollar.

13 (III) The surcharges levied pursuant to this ~~paragraph (f)~~
14 SUBSECTION (1)(f) are separate and distinct from surcharges levied
15 pursuant to section 24-4.2-104 for the victims and witnesses assistance
16 and law enforcement fund.

17 (g) (I) A surcharge of eight dollars is levied against each penalty
18 imposed for violation of a civil infraction pursuant to section 16-2.3-101.
19 The clerk of the court shall transmit all money collected to the court
20 ~~administrator~~ EXECUTIVE of the judicial department in which the offense
21 occurred for credit to the crime victim compensation fund established in
22 that judicial district.

23 (h) A COST OF THIRTY-THREE DOLLARS IS LEVIED ON EACH
24 CRIMINAL ACTION THAT RESULTS WITH PLACEMENT IN AN ALTERNATIVE
25 SENTENCING PROGRAM PURSUANT TO SECTION 18-1.3-101. THIS COST IS
26 PAID TO THE ALTERNATIVE SENTENCING PROGRAM AND THEN
27 TRANSMITTED TO THE COURT EXECUTIVE OF THE JUDICIAL DISTRICT

1 WHERE THE OFFENSE OCCURRED FOR CREDIT TO THE CRIME VICTIM
2 COMPENSATION FUND ESTABLISHED IN THAT JUDICIAL DISTRICT.

3 (1.5) A cost or surcharge levied pursuant to this section may not
4 be suspended or waived by the court. ~~unless the court determines that the~~
5 ~~defendant against whom the cost or surcharge is levied is indigent~~

6 (2) For purposes of determining the order of priority for payments
7 required of a defendant pursuant to section 18-1.3-204 (2.5) ~~C.R.S.~~, the
8 payments to the victim compensation fund required under this part 1 ~~shall~~
9 ~~be~~ ARE the first obligation of the defendant.

10 (3) The provisions of sections 18-1.3-701 and 18-1.3-702 ~~C.R.S.~~,
11 ~~shall be~~ ARE applicable as to the collection of costs levied pursuant to this
12 part 1.

13 **SECTION 17.** In Colorado Revised Statutes, **amend** 24-4.1-122
14 as follows:

15 **24-4.1-122. Reports.** On or before October 1, 1985, and on or
16 before each October 1 thereafter, the court ~~administrator~~ EXECUTIVE of
17 each judicial district shall report to the state court administrator the
18 amount of ~~moneys~~ MONEY collected by the judicial district in the prior
19 fiscal year and the amount of ~~moneys~~ MONEY distributed to crime victims
20 in the prior fiscal year by the board.

21 **SECTION 18. Applicability.** This act applies to approvals for
22 compensation pursuant to the "Colorado Crime Victim Compensation
23 Act" on or after the effective date of this act.

24 **SECTION 19. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.