

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

INTRODUCED

LLS NO. 25-0877.01 Chelsea Princell x4335

HOUSE BILL 25-1294

HOUSE SPONSORSHIP

Jackson and Joseph,

SENATE SPONSORSHIP

Exum,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITION OF CERTAIN MONETARY ASSESSMENTS**
102 **AGAINST A JUVENILE IN THE JUSTICE SYSTEM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, courts may not assess or collect administrative fees, costs, and surcharges in juvenile delinquency cases involving a juvenile under the jurisdiction of the juvenile court when a juvenile has been charged with or adjudicated of certain crimes. The bill prohibits the courts or the state from assessing or collecting any administrative fees, costs, and surcharges assessed against a juvenile who is under 18 years of age when the crime was committed and under 21 years of age when

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.

sentenced or the juvenile's parents, guardian, or legal custodian.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-11-101.6, **add** (8)
3 as follows:

4 **16-11-101.6. Collection of fines and fees - methods - charges**
5 **- judicial collection enhancement fund - definition.** (8) (a) PURSUANT
6 TO THIS SECTION, A COURT SHALL NOT ASSESS COURT-ORDERED COSTS
7 AGAINST A JUVENILE OR AGAINST THE JUVENILE'S PARENT, GUARDIAN, OR
8 LEGAL CUSTODIAN. A COURT OR THE STATE SHALL NOT ENFORCE OR
9 COLLECT COURT-ORDERED COSTS ASSESSED BY THE COURT ON OR AFTER
10 JULY 6, 2021, THAT ARE OUTSTANDING AGAINST A JUVENILE OR THE
11 JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

12 (b) FOR PURPOSES OF THIS SUBSECTION (8), "JUVENILE" MEANS A
13 PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE WHEN THE CRIME IS
14 COMMITTED AND UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF
15 SENTENCING.

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

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

1 judicial department operates the local useful public service program, the
2 court shall transfer each such fee to the state treasurer, who shall credit
3 the fee to the fund created in section 18-1.3-507.5. The court shall not
4 impose the fee described in this subsection (6)(a) on a person under the
5 jurisdiction of the juvenile court, as defined in section 19-1-103, or the
6 person's parent, guardian, or legal custodian. A COURT SHALL NOT ASSESS
7 COURT-ORDERED FEES AGAINST A JUVENILE OR AGAINST THE JUVENILE'S
8 PARENT, GUARDIAN, OR LEGAL CUSTODIAN. A COURT OR THE STATE SHALL
9 NOT ENFORCE OR COLLECT A FEE IMPOSED BY THE COURT ON OR AFTER
10 JULY 6, 2021, THAT IS OUTSTANDING AGAINST A JUVENILE OR THE
11 JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

12 (II) FOR PURPOSES OF THIS SUBSECTION (6)(a), "JUVENILE" MEANS
13 A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE WHEN THE CRIME IS
14 COMMITTED AND UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF
15 SENTENCING.

16 **SECTION 3.** In Colorado Revised Statutes, 18-21-103, **add** (1.4)
17 as follows:

18 **18-21-103. Source of revenues - allocation of money - sex**
19 **offender surcharge fund - sexual exploitation of children surcharge**
20 **fund - creation - definition.** (1.4) (a) A COURT SHALL NOT REQUIRE A
21 JUVENILE OR THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
22 TO PAY THE SURCHARGE DESCRIBED IN SUBSECTION (1) OF THIS SECTION.
23 A COURT OR THE STATE SHALL NOT ENFORCE OR COLLECT A
24 COURT-ORDERED SURCHARGE CHARGED TO THE JUVENILE OR THE
25 JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN ON OR AFTER JULY
26 6, 2021, THAT IS OUTSTANDING AGAINST A JUVENILE OR THE JUVENILE'S
27 PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

1 (b) FOR PURPOSES OF THIS SUBSECTION (1.4), "JUVENILE" MEANS
2 A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE WHEN THE CRIME IS
3 COMMITTED AND UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF
4 SENTENCING.

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

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

8 (1) (b) (I) The surcharge described in this section does not apply to a
9 person under the jurisdiction of the juvenile court or the person's parent,
10 guardian, or legal custodian. THE SURCHARGE DESCRIBED IN THIS SECTION
11 SHALL NOT BE ASSESSED AGAINST A JUVENILE OR CHARGED TO THE
12 JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN. A COURT OR THE
13 STATE SHALL NOT ENFORCE OR COLLECT ANY SURCHARGE ASSESSED BY
14 THE COURT ON OR AFTER JULY 6, 2021, THAT IS OUTSTANDING AGAINST A
15 JUVENILE OR THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

16 (II) FOR PURPOSES OF THIS SUBSECTION (1) (b), "JUVENILE" MEANS
17 A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE WHEN THE CRIME IS
18 COMMITTED AND UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF
19 SENTENCING.

20 **SECTION 5.** In Colorado Revised Statutes, 21-1-103, **amend** (3)
21 as follows:

22 **21-1-103. Representation of indigent persons - definition.**

23 (3) (a) The state public defender shall make the determination of
24 indigency, subject to review by the court. When a defendant or, if
25 applicable, the defendant's parent or legal guardian requests
26 representation by a public defender, such person shall submit an
27 appropriate application, the form of which states that the application is

1 signed under oath and under the penalty of perjury and that a false
2 statement may be prosecuted as such. The applicant shall pay a
3 nonrefundable processing fee of twenty-five dollars if the court-appointed
4 counsel enters an appearance based upon the application; except that a
5 person under the jurisdiction of the juvenile court, as defined in section
6 19-1-103; A JUVENILE; or the person's OR JUVENILE'S parent, guardian, or
7 legal custodian, is not required to pay the processing fee. A COURT OR THE
8 STATE SHALL NOT ENFORCE OR COLLECT A PROCESSING FEE ASSESSED BY
9 THE COURT ON OR AFTER JULY 6, 2021, THAT IS OUTSTANDING AGAINST A
10 PERSON UNDER THE JURISDICTION OF THE JUVENILE COURT, AS DEFINED IN
11 SECTION 19-1-103; A JUVENILE; OR THE PERSON'S OR JUVENILE'S PARENT,
12 GUARDIAN, OR LEGAL CUSTODIAN. The fee is assessed at the time of
13 sentencing, if sentencing occurs, or upon other final disposition of the
14 case; except that the court may, at sentencing or other final disposition,
15 waive the fee if the court determines, based upon the financial
16 information submitted by the party being represented by the
17 court-appointed counsel, that the person does not have the financial
18 resources to pay the fee. Before the court appoints a public defender
19 based on ~~said~~ THE application, the court shall advise the defendant or, if
20 applicable, the defendant's parent or legal guardian that the application is
21 signed under oath and under the penalty of perjury. A copy of the
22 application must be sent to the prosecuting attorney for review, and, upon
23 request, the court shall hold a hearing on the issue of the eligibility for
24 appointment of the public defender's office. Processing fees collected
25 pursuant to this subsection (3) are transmitted to the state treasurer, who
26 shall credit the same to the general fund.

27 (b) FOR PURPOSES OF THIS SUBSECTION (3), "JUVENILE" MEANS A

1 PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE WHEN THE CRIME IS
2 COMMITTED AND UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF
3 SENTENCING.

4 **SECTION 6.** In Colorado Revised Statutes, 24-4.1-119, **add** (1.7)
5 as follows:

6 **24-4.1-119. Costs and surcharges levied on criminal actions**
7 **and traffic offenses - definition.** (1.7) (a) A COST OR SURCHARGE
8 LEVIED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION MUST NOT BE
9 ASSESSED AGAINST A JUVENILE OR AGAINST THE JUVENILE'S PARENT,
10 GUARDIAN, OR LEGAL CUSTODIAN. A COURT OR THE STATE SHALL NOT
11 ENFORCE OR COLLECT COURT-LEVIED COSTS OR SURCHARGES ASSESSED BY
12 THE COURT ON OR AFTER JULY 6, 2021, THAT ARE OUTSTANDING AGAINST
13 THE JUVENILE OR THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL
14 CUSTODIAN.

15 (b) FOR PURPOSES OF THIS SUBSECTION (1.7), "JUVENILE" MEANS
16 A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE WHEN THE CRIME IS
17 COMMITTED AND UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF
18 SENTENCING.

19 **SECTION 7.** In Colorado Revised Statutes, 24-4.2-104, **add** (3)
20 as follows:

21 **24-4.2-104. Surcharges levied on criminal actions and traffic**
22 **offenses - definition.** (3) (a) A COST OR SURCHARGE LEVIED PURSUANT
23 TO SUBSECTION (1)(a)(I) OF THIS SECTION MUST NOT BE ASSESSED
24 AGAINST A JUVENILE OR AGAINST THE JUVENILE'S PARENT, GUARDIAN, OR
25 LEGAL CUSTODIAN. A COURT OR THE STATE SHALL NOT ENFORCE OR
26 COLLECT COURT-LEVIED COSTS OR SURCHARGES ASSESSED BY THE COURT
27 ON OR AFTER JULY 6, 2021, THAT ARE OUTSTANDING AGAINST THE

1 JUVENILE OR THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

2 (b) FOR PURPOSES OF THIS SUBSECTION (3), "JUVENILE" MEANS A
3 PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE WHEN THE CRIME IS
4 COMMITTED AND UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF
5 SENTENCING.

6 **SECTION 8.** In Colorado Revised Statutes, 42-4-1307, **amend**
7 (10.5) as follows:

8 **42-4-1307. Penalties for traffic offenses involving alcohol and**
9 **drugs - legislative declaration - definitions - repeal.** (10.5) (a) The
10 costs and surcharges described in subsection (10) of this section do not
11 apply to a person under the jurisdiction of the juvenile court, as defined
12 in section 19-1-103; A JUVENILE; or the person's OR JUVENILE'S parent,
13 guardian, or legal custodian. A COURT OR THE STATE SHALL NOT ENFORCE
14 OR COLLECT A COURT-LEVIED COST OR SURCHARGE ASSESSED BY THE
15 COURT ON OR AFTER JULY 6, 2021, THAT IS OUTSTANDING AGAINST A
16 PERSON UNDER THE JURISDICTION OF THE JUVENILE COURT, AS DEFINED IN
17 SECTION 19-1-103; A JUVENILE; OR THE PERSON'S OR JUVENILE'S PARENT,
18 GUARDIAN, OR LEGAL CUSTODIAN.

19 (b) FOR PURPOSES OF THIS SUBSECTION (10.5), "JUVENILE" MEANS
20 A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE WHEN THE CRIME IS
21 COMMITTED AND UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF
22 SENTENCING.

23 **SECTION 9.** In Colorado Revised Statutes, 18-1.3-701, **add** (7)
24 as follows:

25 **18-1.3-701. Judgment of costs and fines - definitions.** (7) (a)
26 THE COSTS AND FINES DESCRIBED IN SUBSECTIONS (1) AND (2)(m) OF THIS
27 SECTION MUST NOT BE ASSESSED AGAINST A JUVENILE OR THE JUVENILE'S

1 PARENT, GUARDIAN, OR LEGAL CUSTODIAN. A COURT OR THE STATE SHALL
2 NOT ENFORCE OR COLLECT ANY COSTS OR FINES ASSESSED BY THE COURT
3 ON OR AFTER JULY 6, 2021, THAT ARE OUTSTANDING AGAINST A JUVENILE
4 OR THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

5 (b) FOR PURPOSES OF THIS SUBSECTION (7), "JUVENILE" MEANS A
6 PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE WHEN THE CRIME IS
7 COMMITTED AND UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF
8 SENTENCING.

9 **SECTION 10. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions.