

CHAPTER 334

GOVERNMENT - STATE

SENATE BILL 93-14

BY SENATORS Blickensderfer, Gallagher, and Casey;
also REPRESENTATIVES Faatz, Epps, Adkins, Allen, Benavidez, Dyer, Fleming, Friednash, Greenwood, Hagedorn, R. Hernandez,
Lawrence, Lyle, Pierson, Reeser, and Rupert.

AN ACT

CONCERNING THE USE OF FUNDS ALLOTTED FOR THE BENEFIT OF CRIME VICTIMS.

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

SECTION 1. 24-4.1-109 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-4.1-109. Losses compensable. (2) Compensable losses do not include:

- (a) Pain and suffering or property damage other than residential property damage;
or
- (b) Aggregate damages to the victim or to the dependents of a victim exceeding ten thousand dollars, UNLESS OTHERWISE DETERMINED BY THE UNANIMOUS DECISION OF THE BOARD TO ADDRESS SITUATIONS CATASTROPHIC TO THE VICTIM, BUT IN NO CASE MAY THE BOARD EXCEED AN AGGREGATE LIMIT FOR DAMAGES TO THE VICTIM OR TO DEPENDENTS OF THE VICTIM OF FIFTEEN THOUSAND DOLLARS; or
- (c) Aggregate damages of less than twenty-five dollars.

SECTION 2. 24-4.1-117.5, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-4.1-117.5. Standards for administration of funds - sanctions. (1) On or before January 1, 1991, the board appointed by the governor pursuant to the federal "Victims of Crime Act", 42 U.S.C. secs. 10601 to 10604, shall approve standards for the administration of the crime victim compensation fund created pursuant to section 24-4.1-117 and the victims and witnesses assistance and law enforcement fund

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

created pursuant to section 24-4.2-103.

(2) (a) There is hereby created in the division of criminal justice of the department of public safety a victims compensation and assistance coordinating committee which shall have the same membership as the board appointed by the governor pursuant to the federal "Victims of Crime Act", 42 U.S.C. secs. 10601 to 10604, and which shall have the authority to develop and impose sanctions for the violation of the standards approved pursuant to subsection (1) of this section. Such coordinating committee shall not have the authority to impose any sanctions until January 1, 1991.

(b) (I) A subcommittee of the coordinating committee created pursuant to paragraph (a) of this subsection (2) shall be appointed by the governor and shall consist of members representing each of the following positions:

(A) A chairman of a crime victim compensation board;

(B) A chairman of a victims and witnesses assistance and law enforcement board;

(C) A court administrator of a local judicial district;

(D) An administrator of crime victim compensation from a district attorney's office;

(E) An administrator of victims and witnesses assistance from a district attorney's office;

(F) A district court judge;

(G) An elected district attorney; and

(H) The president of the Colorado organization for victim's assistance.

(II) The subcommittee shall be advisory to the coordinating committee, and the recommendations of the subcommittee shall not be effective until adopted by the coordinating committee.

(c) The members of the coordinating committee and the subcommittee shall serve at the pleasure of the governor or until such member no longer serves in the position which he represents on the subcommittee. The governor shall appoint a chairman of the coordinating committee who shall preside over official meetings of the coordinating committee and a chairman of the subcommittee who shall preside over official meetings of the subcommittee.

(d) The coordinating committee created pursuant to this subsection (2) shall exercise its powers and perform its duties and functions under the division of criminal justice of the department of public safety and the executive director as transferred to the department by a **type 2** transfer, as such transfer is defined in article 1 of this title.

(3) ~~This section is repealed, effective July 1, 1993.~~

SECTION 3. 24-4.1-119 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-4.1-119. Costs levied on criminal actions and traffic offenses.

(1) (a) Except as provided in paragraphs (c) and (d) of this subsection (1), a cost of one hundred TWENTY-FIVE dollars for felonies, ~~forty~~ SIXTY dollars for misdemeanors, and thirty-five dollars for a class 1 misdemeanor traffic offense and twenty-five dollars for a class 2 misdemeanor traffic offense is hereby levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided for in section 16-7-403, C.R.S., which criminal action is charged pursuant to state statute. 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.

(b) The costs required by paragraph (a) of this subsection (1) shall not be levied on criminal actions which are charged pursuant to the penalty assessment provisions of section 42-4-1501, C.R.S., or to any violations of articles 1 to 15 of title 33, C.R.S.

(c) A cost of twenty-five dollars is hereby levied on every criminal action resulting in a conviction or in a deferred judgment and sentence, as provided for in section 16-7-403, C.R.S., of a violation of section 42-4-1202 (1) or (1.5), C.R.S. This cost shall be paid to the clerk of the court, who shall deposit same in the victim compensation fund established in paragraph (a) of this subsection (1).

(d) A cost, ~~of thirty dollars~~ 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 5 of article 2 of title 19, C.R.S., or a deferral of adjudication pursuant to section 19-2-702, C.R.S. This cost shall be paid to the clerk of the court, who shall deposit same in the victim compensation fund established in paragraph (a) of this subsection (1).

(e) Repealed, L. 87, p. 1529, § 74, effective July 1, 1987.

SECTION 4. 24-4.2-104 (1) (a) (I), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

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 TWENTY-FIVE dollars for felonies, ~~forty~~ SIXTY dollars for misdemeanors, thirty-five dollars for class 1 misdemeanor traffic offenses, and twenty-five dollars for class 2 misdemeanor traffic offenses, whichever amount is greater, except as otherwise provided in paragraph (b) of this subsection (1), is hereby levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided in section 16-7-403, C.R.S., which criminal action is charged pursuant to state statute, OR UPON EACH PETITION ALLEGING THAT A CHILD IS DELINQUENT WHICH RESULTS IN A FINDING OF GUILTY PURSUANT TO PART 5 OF ARTICLE 2 OF TITLE 19, C.R.S., OR A DEFERRAL OF ADJUDICATION PURSUANT TO

SECTION 19-2-702, C.R.S. These surcharges shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys 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 5. 24-4.2-104 (1) (a) (II), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

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

(1) (a) (II) (A) In addition to any other surcharge provided for in this section, a surcharge of one thousand dollars shall be levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided in section 16-7-403, C.R.S., which criminal action is charged pursuant to the statutes listed in sub-subparagraph (B) of this subparagraph (II). These surcharges shall be paid to the clerk of the court by the defendant. Any moneys collected by the clerk pursuant to this subparagraph (II) shall be transmitted 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.

(B) The surcharge in sub-subparagraph (A) of this subparagraph (II) shall apply to charges brought pursuant to sections 18-3-305, 18-3-402, 18-3-403, 18-3-404, 18-3-405, 18-6-301, 18-6-302, 18-6-403, 18-7-402, and 18-7-405, C.R.S., or any attempt to commit any of these crimes.

(C) ~~This subparagraph (II) is repealed, effective July 1, 1993.~~

SECTION 6. 24-33.5-506 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-33.5-506. Victims assistance and law enforcement fund - creation.

(1) There is hereby created in the state treasury a fund to be known as the victims assistance and law enforcement fund, referred to in sections 24-33.5-506 to 24-33.5-508 as the "fund". The state treasurer shall credit to this fund all moneys deposited with the state treasurer pursuant to section 24-4.2-105 (1). The general assembly shall make annual appropriations of the moneys in such fund to the division:

(a) For payment of the direct and indirect costs incurred by said division in administering the provisions of this section and section 24-33.5-507 and in administering any victims program authorized by federal or state law; and

(b) For allocation to ~~law enforcement~~ CRIMINAL JUSTICE agencies in the department of public safety ~~including the Colorado state patrol, the Colorado bureau of investigation, and the Colorado law enforcement training academy,~~ and to HELP IMPLEMENT AND COORDINATE STATEWIDE OR MULTI-JURISDICTIONAL VICTIM SERVICES, TO victims and witnesses assistance and law enforcement boards created pursuant to article 4.2 of this title to help implement the programs and services funded by such boards, TO STATEWIDE ORGANIZATIONS WHOSE PRIMARY PURPOSE IS TO ADDRESS ISSUES RELATED TO CRIME VICTIMS TO HELP IMPLEMENT AND COORDINATE VICTIM PROGRAMS AND SERVICES, AND TO OTHER COLORADO STATE CRIMINAL JUSTICE AGENCIES TO HELP IMPLEMENT THE REQUIREMENTS OF THE STATE CONSTITUTION RELATING TO THE RIGHTS OF CRIME VICTIMS AND ANY ENABLING

LEGISLATION RELATING TO SUCH CONSTITUTIONAL PROVISION.

SECTION 7. 24-33.5-507 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-33.5-507. Application for grants - disbursements from fund - regulations - report. (1) The division shall accept and evaluate applications from the ~~law enforcement~~ CRIMINAL JUSTICE agencies specified in section 24-33.5-506 (1) requesting grants of funds for the following purposes, including, but not limited to, purchase of equipment, training programs, ~~and~~ additional personnel, ~~Such funds shall not be used for defraying the costs of routine and ongoing~~ AND operating expenses RELATED TO VICTIM ASSISTANCE AND NOTIFICATION PROGRAMS.

SECTION 8. 24-33.5-508 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-33.5-508. Advisory board. (2) The term of office of each member of the board shall be three years; except that, of those members first appointed, one shall be appointed for a one-year term, two for two-year terms, and two for three-year terms. All vacancies, except through the expiration of term, shall be filled for the unexpired term only. Each member may be reappointed once. A PERSON MAY BE APPOINTED TO THE BOARD AFTER HAVING SERVED ON THE BOARD AND BEEN REAPPOINTED ONCE IF IT HAS BEEN AT LEAST ONE YEAR SINCE SUCH PERSON SERVED ON THE BOARD.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 9, 1993