

CHAPTER 288

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 96-1198

BY REPRESENTATIVES Pfiffner, Adkins, Kaufman, and Clarke;
also SENATOR Blickensderfer.

AN ACT**CONCERNING COLLECTING ON CRIMINAL MONETARY ORDERS.**

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

SECTION 1. 16-11-101.5 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 16-11-101.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

16-11-101.5. Collection of restitution. (1) Any order of restitution to be paid by a person OR ENTITY sentenced for a crime shall be a final judgment ~~and shall have all the force and effect of a final judgment and, as such~~ IN FAVOR OF THE STATE, THE VICTIM, THE VICTIM'S IMMEDIATE FAMILY, A VICTIM COMPENSATION BOARD THAT HAS PAID A VICTIM COMPENSATION CLAIM, OR ANY ENTITY OR PERSON WHO HAS SUFFERED LOSSES BECAUSE OF A CONTRACTUAL RELATIONSHIP WITH A VICTIM, INCLUDING, BUT NOT LIMITED TO, AN INSURER, OR BECAUSE OF LIABILITY UNDER SECTION 14-6-110, C.R.S., AND AGAINST THE DEFENDANT AND, NOTWITHSTANDING THE PROVISIONS OF SECTION 13-52-102 (2), C.R.S., SHALL REMAIN IN FORCE UNTIL RESTITUTION IS PAID IN FULL. SUCH A JUDGMENT may be enforced by ~~the state or a victim named in the order to receive the restitution or the victim's immediate family~~ ANY OF THE PARTIES IN WHOSE FAVOR THE JUDGMENT WAS ENTERED in the same manner as a judgment in a civil action. In addition, ~~the state, a victim named in the order, or such victim's immediate family~~ SUCH PARTIES may collect reasonable attorney fees and ALL OTHER costs incurred in ~~executing~~ COLLECTING ON an order of restitution.

(5) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 13-32-108 AND 13-32-112, C.R.S., ALL RESTITUTION PAID TO THE CLERK OF THE DISTRICT OR COUNTY COURT OR INTO THE REGISTRY OF ANY SUCH COURT THAT HAS BEEN UNCLAIMED FOR A PERIOD OF TWO YEARS AFTER THE FINAL DETERMINATION OF ANY CASE IN WHICH SAID

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

RESTITUTION WAS COLLECTED OR MONEY PAID SHALL BE DEPOSITED IN THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND CREATED IN SECTION 24-4.2-103, C.R.S., IN THE JUDICIAL DISTRICT IN WHICH THE CRIME OCCURRED.

SECTION 2. Part 1 of article 11 of title 16, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

16-11-101.6. Collection of restitution, fines, and fees - methods - charges.

(1) IF THE DEFENDANT DOES NOT PAY ALL AMOUNTS ASSESSED AT THE TIME THAT AN ORDER FOR RESTITUTION OR AN ORDER FOR PAYMENT OF A FINE OR COSTS UNDER SECTION 16-11-501 IS ENTERED, THE DEFENDANT SHALL PAY TO THE CLERK OF THE COURT AN ADDITIONAL TIME PAYMENT FEE OF TWENTY-FIVE DOLLARS. SUCH TIME PAYMENT FEE MAY BE ASSESSED ONCE PER CASE. IN ADDITION, THERE MAY BE ASSESSED AGAINST A DEFENDANT A LATE PENALTY FEE OF TEN DOLLARS EACH TIME A PAYMENT OF RESTITUTION, FINE, OR FEE 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 CREDITED FIRST AGAINST ANY ORDER FOR RESTITUTION, THEN AGAINST THE TIME PAYMENT AND ANY LATE PENALTY FEES ASSESSED UNDER THIS SUBSECTION (1), THEN AGAINST ANY FINES, AND FINALLY AGAINST ANY COSTS.

(2) ALL TIME PAYMENT FEES AND LATE PENALTY FEES COLLECTED SHALL BE CREDITED TO THE JUDICIAL COLLECTION ENHANCEMENT FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS OUT OF SUCH FUND TO THE JUDICIAL DEPARTMENT FOR ADMINISTRATIVE AND PERSONNEL COSTS INCURRED IN COLLECTING RESTITUTION, FINES, AND FEES. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL BE CREDITED AND TRANSFERRED TO THE GENERAL FUND.

(3) TO COLLECT ON PAST DUE ORDERS OF RESTITUTION, FINES, OR FEES, THE STATE MAY EMPLOY ANY METHOD AVAILABLE TO COLLECT STATE RECEIVABLES, INCLUDING ASSIGNING SUCH ACCOUNTS TO PRIVATE COUNSEL OR PRIVATE COLLECTION AGENCIES UNDER SECTION 24-30-202.4 (2), C.R.S. ANY FEES OR COSTS OF THE PRIVATE COUNSEL OR COLLECTION AGENCY SHALL ALSO BE ADDED TO THE AMOUNT DUE, BUT SUCH FEES AND COSTS SHALL NOT EXCEED TWENTY-FIVE PERCENT OF THE AMOUNT COLLECTED.

(4) ON PAST DUE ORDERS, THE COURT MAY DIRECT THAT A CERTAIN PORTION OF A DEFENDANT'S EARNINGS, NOT TO EXCEED FIFTY PERCENT, BE WITHHELD AND APPLIED TO ANY UNPAID RESTITUTION, FINES, OR FEES, IF SUCH AN ORDER DOES NOT ADVERSELY IMPACT THE DEFENDANT'S ABILITY TO COMPLY WITH OTHER ORDERS OF THE COURT. AN ATTACHMENT OF EARNINGS UNDER THIS SECTION MAY BE MODIFIED TO A LESSER OR GREATER AMOUNT BASED UPON CHANGES IN A DEFENDANT'S CIRCUMSTANCES AS LONG AS THE AMOUNT WITHHELD DOES NOT EXCEED FIFTY PERCENT AND MAY BE SUSPENDED OR CANCELLED AT THE COURT'S DISCRETION. FOR PURPOSES OF THIS SECTION, "EARNINGS" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 13-54.5-101 (2), C.R.S., AND SHALL INCLUDE PROFITS.

(5) DURING ANY PERIOD OF TIME THAT A DEFENDANT IS A STATE PRISONER AS DEFINED IN SECTION 17-1-102 (8), C.R.S., THE SUPERINTENDENT OF THE CORRECTIONAL FACILITY TO WHICH SUCH DEFENDANT IS ASSIGNED, OR HIS OR HER DESIGNEE, MAY FIX THE MANNER AND TIME OF PAYMENT OF RESTITUTION, FINES, AND FEES AND MAY DIRECT THAT A PORTION OF THE WAGES OF SUCH DEFENDANT UNDER SECTION 17-24-122 (3), C.R.S., OR COMPENSATION UNDER SECTION 17-24-114, C.R.S., BE APPLIED TO ANY UNPAID RESTITUTION, FINES, OR FEES.

SECTION 3. 16-11-102 (4), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

16-11-102. Presentence or probation investigation. (4) The court, with the concurrence of the defendant and the prosecuting attorney, may dispense with the presentence examination and report; except that a report containing the information required by the court pursuant to section 16-11-204.5 and a victim impact statement shall be made in every case. ~~and~~ The amount of restitution EQUAL TO THE FULL PECUNIARY LOSS CAUSED BY THE DEFENDANT shall be ~~fixed~~ IMPOSED by the court at the time of sentencing and shall be endorsed upon the mittimus.

SECTION 4. 16-11-204.5 (1), (2), and (4), Colorado Revised Statutes, 1986 Repl. Vol., are amended, and the said 16-11-204.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

16-11-204.5. Restitution as a condition of probation. (1) As a condition of every sentence to probation, the court shall ~~provide~~ ORDER that the defendant make FULL restitution to the victim of his OR HER conduct or to a member of the victim's immediate family for the actual damages ~~which~~ THAT were sustained. SUCH ORDER SHALL REQUIRE THE DEFENDANT TO MAKE RESTITUTION WITHIN A PERIOD OF TIME SPECIFIED BY THE COURT NOT TO EXCEED TWELVE MONTHS. IN THE EVENT THAT THE DEFENDANT DOES NOT MAKE FULL RESTITUTION BY THE DATE SPECIFIED BY THE COURT, THE RESTITUTION MAY BE COLLECTED AS PROVIDED FOR IN SECTION 16-11-101.6. Such restitution shall be ordered by the court as a condition of probation. The amount of such restitution shall be ~~based on~~ EQUAL TO the actual pecuniary damages sustained by the victim. ~~the ability of the defendant to pay, and the defendant's obligations to support his dependents and to meet other family obligations.~~ The court shall fix the manner and time of performance. For purposes of this section, "immediate family" includes the victim's spouse and the victim's parent, sibling, or child who is living with the victim.

(2) If the defendant fails to pay the restitution, he OR SHE shall be returned to the sentencing court which, upon proof of failure to pay, may:

- (a) ~~Modify the amount of the restitution;~~
- (b) Extend the period of probation;
- (c) Order the defendant committed to jail with work release privileges; or
- (d) Revoke probation and impose the sentence otherwise required by law.

(2.5) IF, AT THE TIME OF PROBATION OF THE DEFENDANT, THE VICTIM OR A MEMBER

OF THE VICTIM'S IMMEDIATE FAMILY CANNOT REASONABLY BE LOCATED OR THE VICTIM OR A MEMBER OF THE VICTIM'S IMMEDIATE FAMILY DECLINES TO ACCEPT RESTITUTION, THE DEFENDANT SHALL STILL MAKE RESTITUTION; EXCEPT THAT THE RESTITUTION SHALL BE MADE TO THE STATE AND DEPOSITED IN THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND CREATED IN SECTION 24-4.2-103, C.R.S., IN THE JUDICIAL DISTRICT IN WHICH THE CRIME OCCURRED.

(4) "Victim", as used in this section, means the party immediately and directly aggrieved by a defendant who is convicted of a criminal act and who is granted probation, as well as ~~others~~ A VICTIM COMPENSATION BOARD THAT HAS PAID A VICTIM COMPENSATION CLAIM AND ANY PERSON OR ENTITY who ~~have~~ HAS suffered losses because of a contractual relationship with such party, INCLUDING, BUT NOT LIMITED TO, AN INSURER, or because of liability under section 14-6-110, C.R.S., OR, IN THE ABSENCE OF ANY OF THE ABOVE, THE STATE. If there is more than one victim, the party immediately and directly aggrieved shall first be compensated for ~~his~~ THAT PARTY'S loss.

SECTION 5. 17-2-201 (5) (c), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

17-2-201. State board of parole. (5) (c) (I) As a condition of every parole, the board shall provide that the offender make restitution to the victim of his OR HER conduct or a member of the victim's immediate family for the actual PECUNIARY damages ~~which~~ THAT were sustained. Such restitution shall be ordered by the board as a condition of parole. SUCH ORDER SHALL REQUIRE THE OFFENDER TO MAKE RESTITUTION WITHIN THE PERIOD OF TIME THAT THE OFFENDER IS ON PAROLE AS SPECIFIED BY THE BOARD. IN THE EVENT THAT THE DEFENDANT DOES NOT MAKE FULL RESTITUTION BY THE DATE SPECIFIED BY THE BOARD, THE RESTITUTION MAY BE COLLECTED AS PROVIDED FOR IN SECTION 16-11-101.6. The amount of such restitution shall be as determined by the court pursuant to section 16-11-102 (4), C.R.S. For purposes of this paragraph (c), "VICTIM" MEANS THE PARTY IMMEDIATELY AND DIRECTLY AGGRIEVED BY A DEFENDANT WHO IS CONVICTED OF A CRIMINAL ACT AND WHO IS GRANTED PAROLE AS WELL AS A VICTIM COMPENSATION BOARD THAT HAS PAID A VICTIM COMPENSATION CLAIM AND ANY PERSON OR ENTITY WHO HAS SUFFERED A LOSS BECAUSE OF A CONTRACTUAL RELATIONSHIP WITH SUCH PARTY, INCLUDING, BUT NOT LIMITED TO, AN INSURER, OR BECAUSE OF LIABILITY UNDER SECTION 14-16-110, C.R.S., OR, IN THE ABSENCE OF ANY OF THE ABOVE, THE STATE, AND "immediate family" includes the victim's spouse and the victim's parent, sibling, or child who is living with the victim. The board shall fix the manner and time of performance.

(II) If the offender fails to pay the restitution, he OR SHE shall be returned to the board ~~which~~ THAT, upon proof of failure to pay, may:

(A) ~~Modify the amount of the restitution;~~

(B) Extend the period of parole, subject to section 17-22.5-303; OR

(C) Revoke the parole.

(III) If, at the time of the parole of the offender, the victim ~~of his conduct~~ or a

member of the victim's immediate family cannot reasonably be located or the victim or a member of the victim's immediate family declines to accept restitution, the offender still shall make restitution; except that such restitution shall be made to the ~~board~~ STATE AND DEPOSITED IN THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND CREATED IN SECTION 24-4.2-103, C.R.S., IN THE JUDICIAL DISTRICT IN WHICH THE CRIME OCCURRED. ~~In the case where the victim is deceased, the defendant shall still make restitution, and such restitution shall be made to the deceased person's spouse or children or other member of the deceased person's immediate family, or if there are none, then such restitution shall be made to the board. The board shall transmit such moneys to the state treasurer who shall credit the same to the "victim restitution fund", which fund is hereby created. Such moneys shall be used to assist victims of crime as the board, by rule adopted pursuant to article 4 of title 24, C.R.S., may deem appropriate. The controller, upon presentation of vouchers properly drawn and signed by the executive director or his designee, shall issue warrants drawn upon the victim restitution fund. All moneys so deposited in the victim restitution fund shall remain in such fund to be used for the sole purpose of assisting victims of crime; except that an amount equal to five percent of the total restitution made during the preceding fiscal year, not to exceed a total amount of fifteen thousand dollars for each fiscal year, may be used by the board to defray any administrative costs incurred by the board in implementing the provisions of this section.~~

SECTION 6. 19-2-703 (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-703. Juvenile delinquent - sentencing - disposition - restitution - parental liability. (4) (a) If the court finds that a juvenile who receives a deferral of adjudication or who is adjudicated a juvenile delinquent has damaged the personal or real property of a victim, that the victim's personal property has been lost, or that personal injury has been caused to a victim as a result of the juvenile's delinquent act, the court shall enter a sentencing order requiring the juvenile to make restitution for actual PECUNIARY damages done to persons or property; except that the court shall not order restitution if it finds that monetary payment or payment in kind would cause serious hardship or injustice to the juvenile.

(b) Such order shall require payment ~~of insurers and other persons or entities succeeding to the rights of the victim through subrogation or otherwise, if appropriate~~ TO THE VICTIM. "VICTIM", AS USED IN THIS SECTION, MEANS THE PARTY IMMEDIATELY AND DIRECTLY AGGRIEVED BY THE JUVENILE, THAT PARTY'S SPOUSE, THE PARTY'S PARENT, SIBLING, OR CHILD WHO IS LIVING WITH THE PARTY, A VICTIM COMPENSATION BOARD THAT HAS PAID A VICTIM COMPENSATION CLAIM, A PERSON OR ENTITY WHO HAS SUFFERED LOSSES BECAUSE OF A CONTRACTUAL RELATIONSHIP WITH SUCH PARTY, INCLUDING, BUT NOT LIMITED TO, AN INSURER, OR BECAUSE OF LIABILITY UNDER SECTION 14-6-110, C.R.S., OR, IN THE ABSENCE OF ANY OF THE ABOVE, THE STATE. IF THERE IS MORE THAN ONE VICTIM, THE PARTY IMMEDIATELY AND DIRECTLY AGGRIEVED SHALL FIRST BE COMPENSATED FOR THAT PARTY'S LOSS. Restitution shall be ordered ~~in a reasonable amount~~ to be paid in a reasonable manner, as determined by the court AND IN ACCORDANCE WITH SECTION 16-11-101.6, C.R.S.

(c) (I) The court may order the guardian or legal custodian of the juvenile to make restitution TO ONE OR MORE VICTIM pursuant to the terms and conditions set forth in

this subparagraph (I); except that the liability of the guardian or legal custodian of the juvenile under this subparagraph (I) shall not exceed the damages as set forth in section 13-21-107, C.R.S., for any one delinquent act. If the court finds, after a hearing, that the guardian or legal custodian of the juvenile has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the court shall absolve the guardian or legal custodian of liability for restitution under this subparagraph (I).

(II) The court may order the juvenile's parent to make restitution TO ONE OR MORE VICTIM pursuant to the terms and conditions set forth in this subparagraph (II); except that the liability of the juvenile's parent under this subparagraph (II) shall not exceed the amount of five thousand dollars for any one delinquent act. If the court finds, after a hearing, that the juvenile's parent has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the court shall absolve the parent of liability for restitution under this subparagraph (II). As used in this subparagraph (II), "parent" has the same meaning as in section 19-1-103 (21).

SECTION 7. 16-11-501 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-11-501. Judgment for costs and fines. (1) Where any person, association, or corporation is convicted of an offense, or any juvenile is adjudicated a juvenile delinquent for the commission of an act ~~which~~ 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. No fine shall be imposed for conviction of a felony except as provided in section 18-1-105, C.R.S. Such judgments shall be enforceable in the same manner as are civil judgments, and, in addition, the provisions of ~~section~~ SECTIONS 16-11-101.6 AND 16-11-502 ~~shall be applicable~~ APPLY. Any judgments collected pursuant to this section for fees for interpreters appointed pursuant to section 13-90-204, C.R.S., and reimbursed pursuant to section 13-90-210, C.R.S., shall be remitted to the division of rehabilitation in the department of human services.

SECTION 8. 16-11-101.5 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended by House Bill 96-1198, enacted at the Second Regular Session of the Sixtieth General Assembly, is amended to read:

16-11-101.5. Collection of restitution. (1) Any order of restitution to be paid by a person or entity sentenced for a crime shall be a final judgment in favor of the state, the victim, the victim's immediate family, a victim compensation board that has paid a victim compensation claim, or any entity or person who has suffered losses because of a contractual relationship with a victim or because of liability under section ~~14-6-110~~ 14-15-707, C.R.S., and against the defendant and shall remain in force until restitution is paid in full. Such a judgment may be enforced by any of the parties in whose favor the judgment was entered in the same manner as a judgment in a civil action. In addition, such parties may collect reasonable attorney fees and all other costs incurred in collecting on an order of restitution.

SECTION 9. 16-11-204.5 (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended by House Bill 96-1198, enacted at the Second Regular Session of the Sixtieth General Assembly, is amended to read:

(4) "Victim", as used in this section, means the party immediately and directly aggrieved by a defendant who is convicted of a criminal act and who is granted probation, as well as a victim compensation board that has paid a victim compensation claim and any person or entity who has suffered losses because of a contractual relationship with such party or because of liability under section ~~14-6-110~~ 14-15-707, C.R.S., or, in the absence of any of the above, the state. If there is more than one victim, the party immediately and directly aggrieved shall first be compensated for that party's loss.

SECTION 10. 19-2-918, Colorado Revised Statutes, 1986 Repl. Vol., as amended by House Bill 96-1005, enacted at the Second Regular Session of the Sixtieth General Assembly, is amended to read:

19-2-918. Sentencing - restitution by juvenile. (1) If the court finds that a juvenile who receives a deferral of adjudication or who is adjudicated a juvenile delinquent has damaged the personal or real property of a victim, that the victim's personal property has been lost, or that personal injury has been caused to a victim as a result of the juvenile's delinquent act, the court, in addition to any other sentence or commitment that it may impose on the juvenile pursuant to section 19-2-907, shall enter a sentencing order requiring the juvenile to make restitution for actual PECUNIARY damages done to persons or property; except that the court may not order restitution if it finds that monetary payment or payment in kind would cause serious hardship or injustice to the juvenile.

(2) The order of restitution shall require payment ~~of insurers and other persons or entities succeeding to the rights of the victim through subrogation or otherwise, if appropriate~~ TO THE VICTIM. IF THERE IS MORE THAN ONE VICTIM, THE PARTY IMMEDIATELY AND DIRECTLY AGGRIEVED SHALL FIRST BE COMPENSATED FOR THAT PARTY'S LOSS. Restitution shall be ordered ~~in a reasonable amount~~ to be paid in a reasonable manner, as determined by the court AND IN ACCORDANCE WITH SECTION 16-11-101.6, C.R.S.

SECTION 11. 19-2-919 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended by House Bill 96-1005, enacted at the Second Regular Session of the Sixtieth General Assembly, is amended to read:

19-2-919. Sentencing - requirements imposed on parents. (2) In addition to any sentence imposed pursuant to section 19-2-907 or subsection (1) of this section and regardless of whether the court orders the juvenile to pay restitution pursuant to section 19-2-918, the court may order:

(a) The guardian or legal custodian of the juvenile to make restitution TO ONE OR MORE VICTIM pursuant to the terms and conditions set forth in this subsection (2); except that the liability of the guardian or legal custodian of the juvenile under this subsection (2) shall not exceed the damages as set forth in section 13-21-107, C.R.S., for any one delinquent act. If the court finds, after a hearing, that the guardian or legal custodian of the juvenile has made diligent, good faith efforts to prevent or

discourage the juvenile from engaging in delinquent activity, the court shall absolve the guardian or legal custodian of liability for restitution under this subsection (2).

(b) The juvenile's parent, so long as the parent is a party to the delinquency proceedings, to make restitution TO ONE OR MORE VICTIM pursuant to the terms and conditions set forth in this paragraph (b); except that the liability of the juvenile's parent under this paragraph (b) shall not exceed the amount of five thousand dollars for any one delinquent act. Notwithstanding the provisions of this subsection (2), the court may not enter an order of restitution against a juvenile's parent unless the court, prior to entering the order of restitution, holds a restitution hearing at which the juvenile's parent is present. If the court finds, after the hearing, that the juvenile's parent has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the court shall absolve the parent of liability for restitution under this paragraph (b). For purposes of this paragraph (b), "parent" is defined in section 19-1-103 (82) (a).

SECTION 12. 19-1-103, Colorado Revised Statutes, 1986 Repl. Vol., as amended by House Bill 96-1019, enacted at the Second Regular Session of the Sixtieth General Assembly, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(112) "VICTIM", AS USED IN PART 2 OF THIS ARTICLE, MEANS THE PARTY IMMEDIATELY AND DIRECTLY AGGRIEVED BY THE JUVENILE, THAT PARTY'S SPOUSE, THE PARTY'S PARENT, SIBLING, OR CHILD WHO IS LIVING WITH THE PARTY, A VICTIM COMPENSATION BOARD THAT HAS PAID A VICTIM COMPENSATION CLAIM, A PERSON OR ENTITY WHO HAS SUFFERED LOSSES BECAUSE OF A CONTRACTUAL RELATIONSHIP WITH SUCH PARTY, INCLUDING, BUT NOT LIMITED TO, AN INSURER, OR BECAUSE OF LIABILITY UNDER SECTION 14-15-707, C.R.S., OR, IN THE ABSENCE OF ANY OF THE ABOVE, THE STATE.

SECTION 13. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 14. Effective date - applicability. This act shall take effect upon passage and shall apply to all orders entered on or after said date and all delinquencies of orders existing on and after said date; except that sections 8 and 9 shall take effect on January 1, 1997, only if House Bill 96-1037 becomes law and except that sections 10, 11, and 12 shall take effect on January 1, 1997, only if House Bill 96-1005 becomes law.

SECTION 15. 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 3, 1996

Editor's note: As set out in section 14 of this act, sections 8 and 9 will not take

effect, because House Bill 96-1037 did not become law, and sections 10, 11, and 12 shall take effect, because House Bill 96-1005 did become law. See chapter 283 of these Session Laws for House Bill 96-1005.