

CHAPTER 172

GOVERNMENT - STATE

HOUSE BILL 98-1130

BY REPRESENTATIVES Faatz, Dean, Epps, Hagedorn, Hefley, Leyba, Mace, Morrison, Nichol, Snyder, and Young;
also SENATORS Hopper and Perlmutter.

AN ACT

CONCERNING CRIME VICTIM COMPENSATION.

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

SECTION 1. 24-4.1-102 (10) (d), Colorado Revised Statutes, is amended to read:

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

(10) (d) "Victim" also means a person who is a resident of this state who is injured or killed by an act of international terrorism, as defined in 18 U.S.C. sec. 2671, committed outside of the United States. ~~and where the country does not have a crime victim compensation program for which the person would be eligible.~~

SECTION 2. 24-4.1-109 (1.5) and (2) (b), Colorado Revised Statutes, are amended to read:

24-4.1-109. Losses compensable. (1.5) (a) Losses compensable under this part 1 resulting from property damage include:

(I) (A) Repair or replacement of property damaged as a result of a compensable crime; or

(B) Payment of the deductible amount on a residential insurance policy; AND

(II) ANY MODIFICATION TO THE VICTIM'S RESIDENCE THAT IS NECESSARY TO

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

ENSURE VICTIM SAFETY.

(b) ~~The victim's recovery under this part 1 due to property damage shall not exceed two hundred fifty dollars for each compensable crime; but in no case shall a loss be compensable if the aggregate property damages are less than twenty-five dollars.~~

(2) Compensable losses do not include:

(b) ~~Aggregate damages to the victim or to the dependents of a victim exceeding ten TWENTY 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~~

SECTION 3. 24-4.1-112 (1), Colorado Revised Statutes, is amended to read:

24-4.1-112. Emergency awards. (1) The board may order an emergency award to the applicant pending a final decision in the claim if it appears to the board, prior to taking action upon the claim, that undue hardship will result to the applicant if immediate payment is not made. AWARDS PURSUANT TO THIS SECTION ARE INTENDED TO COVER EXPENSES INCURRED BY CRIME VICTIMS IN MEETING THEIR IMMEDIATE SHORT-TERM NEEDS. The amount of such award shall not exceed ~~five hundred~~ ONE THOUSAND dollars and shall be deducted from any final award made as a result of the claim.

SECTION 4. 24-4.1-117 (5), Colorado Revised Statutes, is amended to read:

24-4.1-117. Fund created - control of fund. (5) All moneys deposited in the fund shall be used solely for the compensation of victims pursuant to this part 1; except that the district attorney and the court administrator may use an aggregate of no more than ~~eight~~ TWELVE and one-half percent of the total amount of moneys in the crime victim compensation fund for administrative costs incurred pursuant to this part 1. The district attorney shall be permitted to use no more than ~~six~~ TEN percent of the total amount of moneys in the fund for administrative costs. The court administrator shall be permitted to use no more than two and one-half percent of the total amount of moneys in the fund for administrative costs.

SECTION 5. 24-4.1-124 (2), Colorado Revised Statutes, is amended to read:

24-4.1-124. State crime victim compensation fund - creation - allocation of moneys. (2) On January 1, 1986, and on every January 1 thereafter, the state court administrator shall allocate the moneys in the fund ~~equally~~ among the judicial districts ~~which~~ THAT have distributed seventy-five percent or more of the total moneys collected in the previous fiscal year to crime victims ~~and~~ IN PROPORTION TO THE AMOUNT PAID OUT BY EACH SUCH JUDICIAL DISTRICT DURING THE FISCAL YEAR. THE STATE COURT ADMINISTRATOR shall notify in writing the state treasurer to transmit those allocated amounts out of the state crime victim compensation fund to the funds of those specified judicial districts. Upon such written authorization, the state treasurer shall transmit the amount of each allocation to the court administrator of the judicial district for credit to the fund of that district.

SECTION 6. 16-11-102 (4), Colorado Revised Statutes, 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. The amount of restitution equal to the full pecuniary loss caused by the defendant shall be imposed by the court at the time of sentencing and shall be endorsed upon the mittimus; EXCEPT THAT THE COURT AT THE TIME OF SENTENCING MAY IMPOSE, OR AT A LATER DATE MAY AMEND THE RESTITUTION ORDER TO REFLECT, AN AMOUNT OF RESTITUTION THAT IS LESS THAN THE FULL PECUNIARY LOSS CAUSED BY THE DEFENDANT IF THE DEFENDANT, THE PROSECUTING ATTORNEY, AND THE VICTIM AGREE ON SUCH LESSER AMOUNT.

SECTION 7. 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: April 30, 1998