

CHAPTER 230

**CRIMINAL LAW AND PROCEDURE**

**HOUSE BILL 99-1254**

BY REPRESENTATIVES Swenson, Hefley, Kaufman, and Piffner;  
also SENATORS Perlmutter, Blickensderfer, Hernandez, Pascoe, Reeves, and Rupert.

**AN ACT**

CONCERNING THE COLLECTION OF CRIMINAL RESTITUTION, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1.** 16-11-101.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**16-11-101.5. Collection of restitution - repeal.** (6) (a) THE LEGISLATIVE COUNCIL SHALL CONDUCT A STUDY OF THE ASSESSMENT, COLLECTION, AND DISTRIBUTION OF CRIMINAL RESTITUTION. THE STUDY SHALL:

(I) EXAMINE EXISTING RESTITUTION STATUTES TO IDENTIFY INCONSISTENCIES;

(II) EXAMINE METHODS OF ASSESSMENT TO DETERMINE CONSISTENCY OF ASSESSMENT;

(III) EXAMINE METHODS OF COLLECTIONS THROUGHOUT THE CRIMINAL JUSTICE SYSTEM TO DETERMINE CONSISTENCY OF COLLECTION;

(IV) EXAMINE METHODS OF DISTRIBUTION OF COLLECTED MONEYS TO CRIME VICTIMS TO DETERMINE CONSISTENCY OF DISSEMINATION;

(V) EXAMINE THE STATUTORY FRAMEWORK FOR CONVERTING CRIMINAL ORDERS OF RESTITUTION INTO CIVIL JUDGMENTS;

(VI) EXAMINE THE USE OF GARNISHMENT AS A TOOL TO ENHANCE COLLECTIONS;

(VII) EXAMINE THE ASSESSMENT OF RESTITUTION FOR OFFENDERS SENTENCED TO

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

THE COUNTY JAIL;

(VIII) RESEARCH PROMISING PRACTICES IN ENHANCING RESTITUTION ASSESSMENT, COLLECTION, AND DISTRIBUTION TO CRIME VICTIMS; AND

(IX) MAKE RECOMMENDATIONS CONCERNING STATUTORY CHANGES TO FACILITATE GREATER OFFENDER ACCOUNTABILITY.

(b) IN CONDUCTING THE STUDY, THE LEGISLATIVE COUNCIL SHALL CONSULT WITH:

(I) THE JUDICIAL DEPARTMENT;

(II) THE DEPARTMENT OF CORRECTIONS;

(III) THE DEPARTMENT OF LAW;

(IV) THE COLORADO DISTRICT ATTORNEY'S COUNCIL;

(V) LOCAL CRIME VICTIM COMPENSATION BOARDS ESTABLISHED PURSUANT TO SECTION 24-4.1-103, C.R.S., AND VICTIM AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT BOARDS, ESTABLISHED PURSUANT TO SECTION 24-4.2-101, C.R.S.;

(VI) STATEWIDE VICTIM ADVOCACY ORGANIZATIONS;

(VII) LOCAL COMMUNITY CORRECTIONS BOARDS AND COMMUNITY CORRECTIONS PROVIDERS;

(VIII) THE STATE BOARD OF PAROLE;

(IX) THE ORGANIZATION FOR COUNTY SHERIFFS IN COLORADO;

(X) THE ORGANIZATION FOR CHIEFS OF POLICE IN COLORADO;

(XI) THE DEPARTMENT OF PUBLIC SAFETY; AND

(XII) PERSONS WHO WERE THE VICTIM OF A CRIME WHO HAVE EXPERIENCE ATTEMPTING TO COLLECT RESTITUTION.

(c) THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC SAFETY SHALL ASSIST THE LEGISLATIVE COUNCIL IN COMPLETING THE STUDY. A FINAL REPORT OF THE FINDINGS AND RESULTS OF THE STUDY SHALL BE PRESENTED TO THE LEGISLATIVE COUNCIL AND TO ANY OTHER COMMITTEES DESIGNATED BY THE COUNCIL ON OR BEFORE SEPTEMBER 1, 1999.

(d) THE LEGISLATIVE COUNCIL IS AUTHORIZED TO SOLICIT, ACCEPT, AND EXPEND GRANTS, DONATIONS, GIFTS, AND OTHER MONEYS TO DEFRAY THE COSTS OF THE STUDY.

(e) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2000.

**SECTION 2. Appropriation - adjustment in 1999 long bill.** (1) In addition to

any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 1999, the sum of fourteen thousand one hundred seventy-two dollars (\$14,172) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 1999, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by fourteen thousand one hundred seventy-two dollars (\$14,172);

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by fourteen thousand one hundred seventy-two dollars (\$14,172).

**SECTION 3. 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: May 24, 1999