

CHAPTER 232

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 00-1169

BY REPRESENTATIVES Swenson, Grossman, Kaufman, Morrison, and Piffner;
also SENATORS Arnold, Congrove, Dennis, Epps, Evans, Hernandez, Hillman, Musgrave, Owen, Powers, Sullivant, and Tebedo.

AN ACT

CONCERNING RESTITUTION IN CRIMINAL CASES, AND MAKING AN APPROPRIATION IN CONNECTION
THEREWITH.

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

SECTION 1. Title 16, Colorado Revised Statutes, is amended BY THE
ADDITION OF A NEW ARTICLE to read:

ARTICLE 18.5
Restitution In Criminal Actions

16-18.5-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND
DECLARES THAT:

(a) CRIME VICTIMS ENDURE UNDUE SUFFERING AND HARDSHIP RESULTING FROM
PHYSICAL INJURY, EMOTIONAL AND PSYCHOLOGICAL INJURY, OR LOSS OF PROPERTY;

(b) PERSONS FOUND GUILTY OF CAUSING SUCH SUFFERING AND HARDSHIP SHOULD
BE UNDER A MORAL AND LEGAL OBLIGATION TO MAKE FULL RESTITUTION TO THOSE
HARMED BY THEIR MISCONDUCT;

(c) THE PAYMENT OF RESTITUTION BY CRIMINAL OFFENDERS TO THEIR VICTIMS IS
A MECHANISM FOR THE REHABILITATION OF OFFENDERS;

(d) RESTITUTION IS RECOGNIZED AS A DETERRENT TO FUTURE CRIMINALITY;

(e) AN EFFECTIVE CRIMINAL JUSTICE SYSTEM REQUIRES TIMELY RESTITUTION TO
VICTIMS OF CRIME AND TO MEMBERS OF THE IMMEDIATE FAMILIES OF SUCH VICTIMS
IN ORDER TO LESSEN THE FINANCIAL BURDENS INFLICTED UPON THEM, 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.*

COMPENSATE THEM FOR THEIR SUFFERING AND HARDSHIP, AND TO PRESERVE THE INDIVIDUAL DIGNITY OF VICTIMS;

(f) FORMER PROCEDURES FOR RESTITUTION ASSESSMENT, COLLECTION, AND DISTRIBUTION HAVE PROVEN TO BE INADEQUATE AND INCONSISTENT FROM CASE TO CASE;

(g) THE PURPOSES OF THIS ARTICLE ARE TO FACILITATE:

(I) THE ESTABLISHMENT OF PROGRAMS AND PROCEDURES TO PROVIDE FOR AND COLLECT FULL RESTITUTION FOR VICTIMS OF CRIME IN THE MOST EXPEDITIOUS MANNER; AND

(II) THE EFFECTIVE AND TIMELY ASSESSMENT, COLLECTION, AND DISTRIBUTION OF RESTITUTION REQUIRES THE COOPERATION AND COLLABORATION OF ALL CRIMINAL JUSTICE AGENCIES AND DEPARTMENTS.

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT RESTITUTION BE ORDERED, COLLECTED, AND DISBURSED TO THE VICTIMS OF CRIME AND THEIR IMMEDIATE FAMILIES. SUCH RESTITUTION WILL AID THE OFFENDER IN REINTEGRATION AS A PRODUCTIVE MEMBER OF SOCIETY. THIS ARTICLE SHALL BE LIBERALLY CONSTRUED TO ACCOMPLISH ALL SUCH PURPOSES.

16-18.5-102. Definitions. AS USED IN THIS ARTICLE 18.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COLLECTIONS INVESTIGATOR" MEANS A PERSON EMPLOYED BY THE JUDICIAL DEPARTMENT WHOSE PRIMARY RESPONSIBILITY IS TO ADMINISTER, ENFORCE, AND COLLECT ON COURT ORDERS OR JUDGMENTS ENTERED WITH RESPECT TO FINES, FEES, RESTITUTION, OR ANY OTHER ACCOUNTS RECEIVABLE OF THE COURT, JUDICIAL DISTRICT, OR JUDICIAL DEPARTMENT.

(2) "CONVICTION" MEANS A VERDICT OF GUILTY BY A JUDGE OR JURY OR A PLEA OF GUILTY OR NOLO CONTENDERE THAT IS ACCEPTED BY THE COURT OR ADJUDICATION FOR AN OFFENSE THAT WOULD CONSTITUTE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT. "CONVICTION" ALSO INCLUDES HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE OR DEFERRED ADJUDICATION; EXCEPT THAT A PERSON SHALL NOT BE DEEMED TO HAVE BEEN CONVICTED IF THE PERSON HAS SUCCESSFULLY COMPLETED A DEFERRED SENTENCE OR DEFERRED ADJUDICATION.

(3) (a) "RESTITUTION" MEANS ANY PECUNIARY LOSS SUFFERED BY A VICTIM, AND INCLUDES BUT IS NOT LIMITED TO ALL OUT-OF-POCKET EXPENSES, INTEREST, LOSS OF USE OF MONEY, ANTICIPATED FUTURE EXPENSES, REWARDS PAID BY VICTIMS, MONEY ADVANCED BY LAW ENFORCEMENT AGENCIES, ADJUSTMENT EXPENSES, AND OTHER LOSSES OR INJURIES PROXIMATELY CAUSED BY AN OFFENDER'S CONDUCT AND THAT CAN BE REASONABLY CALCULATED AND RECOMPENSED IN MONEY.

(b) "RESTITUTION" MAY ALSO INCLUDE EXTRAORDINARY DIRECT PUBLIC AND ALL PRIVATE INVESTIGATIVE COSTS.

(4) (a) "VICTIM" MEANS ANY PERSON AGGRIEVED BY THE CONDUCT OF AN OFFENDER AND INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING:

(I) ANY PERSON AGAINST WHOM ANY FELONY, MISDEMEANOR, PETTY, OR TRAFFIC MISDEMEANOR OFFENSE HAS BEEN PERPETRATED OR ATTEMPTED;

(II) ANY PERSON HARMED BY AN OFFENDER'S CRIMINAL CONDUCT IN THE COURSE OF A SCHEME, CONSPIRACY, OR PATTERN OF CRIMINAL ACTIVITY;

(III) ANY PERSON WHO HAS SUFFERED LOSSES BECAUSE OF A CONTRACTUAL RELATIONSHIP WITH, INCLUDING BUT NOT LIMITED TO AN INSURER, OR BECAUSE OF LIABILITY UNDER SECTION 14-6-110, C.R.S., FOR A PERSON DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (a);

(IV) ANY VICTIM COMPENSATION BOARD THAT HAS PAID A VICTIM COMPENSATION CLAIM;

(V) IF ANY PERSON DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (a) IS DECEASED OR INCAPACITATED, THE PERSON'S SPOUSE, PARENT, LEGAL GUARDIAN, NATURAL OR ADOPTED CHILD, CHILD LIVING WITH THE VICTIM, SIBLING, GRANDPARENT, SIGNIFICANT OTHER, AS DEFINED IN SECTION 24-4.1.302 (4), C.R.S., OR OTHER LAWFUL REPRESENTATIVE.

(b) "VICTIM" SHALL NOT INCLUDE A PERSON WHO IS ACCOUNTABLE FOR THE CRIME OR A CRIME ARISING FROM THE SAME CONDUCT, CRIMINAL EPISODE, OR PLAN AS DEFINED UNDER THE LAW OF THIS STATE OR OF THE UNITED STATES.

(c) ANY "VICTIM" UNDER THE AGE OF EIGHTEEN IS CONSIDERED INCAPACITATED, UNLESS THAT PERSON IS LEGALLY EMANCIPATED OR THE COURT ORDERS OTHERWISE.

(d) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS DEFINITION OF THE TERM "VICTIM" SHALL APPLY TO THIS ARTICLE AND SHALL NOT BE APPLIED TO ANY OTHER PROVISION OF THE LAWS OF THE STATE OF COLORADO THAT REFERS TO THE TERM "VICTIM".

16-18.5-103. Assessment of restitution. (1) EVERY ORDER OF CONVICTION OF A FELONY, MISDEMEANOR, PETTY, OR TRAFFIC MISDEMEANOR OFFENSE, EXCEPT ANY ORDER OF CONVICTION FOR A STATE TRAFFIC MISDEMEANOR OFFENSE ISSUED BY A MUNICIPAL OR COUNTY COURT IN WHICH THE PROSECUTING ATTORNEY IS ACTING AS A SPECIAL DEPUTY DISTRICT ATTORNEY PURSUANT TO AN AGREEMENT WITH THE DISTRICT ATTORNEY'S OFFICE, SHALL INCLUDE CONSIDERATION OF RESTITUTION. EACH SUCH ORDER SHALL INCLUDE ONE OR MORE OF THE FOLLOWING:

(a) AN ORDER OF A SPECIFIC AMOUNT OF RESTITUTION BE PAID BY THE DEFENDANT;

(b) AN ORDER THAT THE DEFENDANT IS OBLIGATED TO PAY RESTITUTION, BUT THAT THE SPECIFIC AMOUNT OF RESTITUTION SHALL BE DETERMINED WITHIN THE NINETY DAYS IMMEDIATELY FOLLOWING THE ORDER OF CONVICTION, UNLESS GOOD CAUSE IS SHOWN FOR EXTENDING THE TIME PERIOD BY WHICH THE RESTITUTION AMOUNT SHALL BE DETERMINED;

(c) AN ORDER, IN ADDITION TO OR IN PLACE OF A SPECIFIC AMOUNT OF RESTITUTION, THAT THE DEFENDANT PAY RESTITUTION COVERING THE ACTUAL COSTS OF SPECIFIC FUTURE TREATMENT OF ANY VICTIM OF THE CRIME; OR

(d) CONTAIN A SPECIFIC FINDING THAT NO VICTIM OF THE CRIME SUFFERED A PECUNIARY LOSS AND THEREFORE NO ORDER FOR THE PAYMENT OF RESTITUTION IS BEING ENTERED.

(2) THE COURT SHALL BASE ITS ORDER FOR RESTITUTION UPON INFORMATION PRESENTED TO THE COURT BY THE PROSECUTING ATTORNEY, WHO SHALL COMPILE SUCH INFORMATION THROUGH VICTIM IMPACT STATEMENTS OR OTHER MEANS TO DETERMINE THE AMOUNT OF RESTITUTION AND THE IDENTITIES OF THE VICTIMS. FURTHER, THE PROSECUTING ATTORNEY SHALL PRESENT THIS INFORMATION TO THE COURT PRIOR TO THE ORDER OF CONVICTION OR WITHIN NINETY DAYS, IF IT IS NOT AVAILABLE PRIOR TO THE ORDER OF CONVICTION. THE COURT MAY EXTEND THIS DATE IF IT FINDS THAT THERE ARE EXTENUATING CIRCUMSTANCES AFFECTING THE PROSECUTING ATTORNEY'S ABILITY TO DETERMINE RESTITUTION.

(3) ANY ORDER FOR RESTITUTION MAY BE:

(a) INCREASED IF ADDITIONAL VICTIMS OR ADDITIONAL LOSSES NOT KNOWN TO THE JUDGE OR THE PROSECUTOR AT THE TIME THE ORDER OF RESTITUTION WAS ENTERED ARE LATER DISCOVERED AND THE FINAL AMOUNT OF RESTITUTION DUE HAS NOT BEEN SET BY THE COURT; OR

(b) DECREASED:

(I) WITH THE CONSENT OF THE PROSECUTING ATTORNEY AND THE VICTIM OR VICTIMS TO WHOM THE RESTITUTION IS OWED; OR

(II) IF THE DEFENDANT HAS OTHERWISE COMPENSATED THE VICTIM OR VICTIMS FOR THE PECUNIARY LOSSES SUFFERED.

(4) (a) ANY ORDER FOR RESTITUTION ENTERED PURSUANT TO THIS SECTION SHALL BE A FINAL CIVIL JUDGMENT IN FAVOR OF THE STATE AND ANY VICTIM. NOTWITHSTANDING ANY OTHER CIVIL OR CRIMINAL STATUTE OR RULE, ANY SUCH JUDGMENT SHALL REMAIN IN FORCE UNTIL THE RESTITUTION IS PAID IN FULL.

(b) ANY ORDER FOR RESTITUTION MADE PURSUANT TO THIS SECTION SHALL ALSO BE DEEMED TO ORDER THAT:

(I) THE DEFENDANT OWES INTEREST FROM THE DATE OF THE ENTRY OF THE ORDER AT THE RATE OF TWELVE PERCENT PER ANNUM; AND

(II) THE DEFENDANT OWES ALL REASONABLE AND NECESSARY ATTORNEY FEES AND COSTS INCURRED IN COLLECTING SUCH ORDER DUE TO THE DEFENDANT'S NONPAYMENT.

(c) THE ENTRY OF AN ORDER FOR RESTITUTION UNDER THIS SECTION CREATES A

LIEN BY OPERATION OF LAW AGAINST THE DEFENDANT'S PERSONAL PROPERTY AND ANY INTEREST THAT THE DEFENDANT MAY HAVE IN ANY PERSONAL PROPERTY.

(d) ANY ORDER OF RESTITUTION IMPOSED SHALL BE CONSIDERED A DEBT FOR "WILLFUL AND MALICIOUS" INJURY FOR PURPOSES OF EXCEPTIONS TO DISCHARGE IN BANKRUPTCY AS PROVIDED IN 11 U.S.C. SEC. 523.

(5) IF MORE THAN ONE DEFENDANT OWES RESTITUTION TO THE SAME VICTIM FOR THE SAME PECUNIARY LOSS, THE ORDERS FOR RESTITUTION SHALL BE JOINT AND SEVERAL OBLIGATIONS OF THE DEFENDANTS.

(6) ANY AMOUNT PAID TO A VICTIM UNDER AN ORDER OF RESTITUTION SHALL BE SET OFF AGAINST ANY AMOUNT LATER RECOVERED AS COMPENSATORY DAMAGES BY SUCH VICTIM IN ANY FEDERAL OR STATE CIVIL PROCEEDING.

16-18.5-104. Initial collections investigation - payment schedule. (1) ORDERS FOR RESTITUTION SHALL BE DUE AND PAYABLE AT THE TIME THAT THE ORDER OF CONVICTION IS ENTERED. UNLESS THE DEFENDANT IS SENTENCED TO THE CUSTODY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, IF AT THE TIME THAT THE COURT ENTERS AN ORDER FOR RESTITUTION PURSUANT TO SECTION 16-18.5-103, THE DEFENDANT ALLEGES THAT HE OR SHE CANNOT PAY THE FULL AMOUNT OF RESTITUTION, THE COURT SHALL DIRECT THAT THE DEFENDANT REPORT IMMEDIATELY TO THE COLLECTIONS INVESTIGATOR.

(2) UPON REFERRAL TO A COLLECTIONS INVESTIGATOR, THE DEFENDANT SHALL BE CHARGED A TIME PAYMENT FEE OF TWENTY-FIVE DOLLARS. SUCH FEE SHALL BE COLLECTED FROM THE DEFENDANT AFTER THE DEFENDANT HAS SATISFIED ALL ORDERS FOR RESTITUTION. ALL PAYMENTS FOR THE TIME PAYMENT FEE SHALL BE CREDITED TO THE JUDICIAL COLLECTION ENHANCEMENT FUND CREATED IN 16-11-101.6 (2), C.R.S.

(3) (a) UPON REFERRAL OF A DEFENDANT PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE COLLECTIONS INVESTIGATOR SHALL CONDUCT AN INVESTIGATION INTO THE FINANCIAL ABILITY OF THE DEFENDANT TO PAY THE RESTITUTION ORDERED BY THE COURT. SUCH INVESTIGATION MAY CONSIST OF BUT IS NOT LIMITED TO:

(I) SUBMISSION OF WRITTEN FINANCIAL AFFIDAVITS OR DISCLOSURES OF THE DEFENDANT'S PERSONAL, HOUSEHOLD, AND BUSINESS INCOME, ASSETS, AND LIABILITIES;

(II) SUBMISSION TO AN ORAL EXAMINATION OF THE DEFENDANT'S FINANCIAL CIRCUMSTANCES;

(III) SUBMISSION OF BOOKS, PAPERS, DOCUMENTS, OR OTHER TANGIBLE THINGS RELATED TO THE DEFENDANT'S FINANCIAL CIRCUMSTANCES INCLUDING BUT NOT LIMITED TO:

(A) PAYROLL STUBS;

(B) FINANCIAL INSTITUTION ACCOUNT STATEMENTS;

- (C) STOCK CERTIFICATES;
- (D) DEEDS, TITLES, OR OTHER EVIDENCE OF OWNERSHIP;
- (E) STATE AND FEDERAL TAX RECORDS; AND
- (F) INSURANCE POLICIES AND STATEMENTS.

(IV) RESEARCH AND VERIFICATION OF ALL ORAL AND WRITTEN STATEMENTS MADE BY THE DEFENDANT.

(b) IN THE CASE OF A JUVENILE DEFENDANT, THE COLLECTIONS INVESTIGATOR MAY CONDUCT THE INVESTIGATION INTO THE JUVENILE'S PARENTS' OR LEGAL GUARDIAN'S FINANCIAL CIRCUMSTANCES AS WELL AS THE JUVENILE'S.

(c) FOR PURPOSES OF CONDUCTING THE INVESTIGATION REQUIRED BY THIS SUBSECTION (3), THE COLLECTIONS INVESTIGATOR SHALL HAVE ACCESS TO DATA MAINTAINED BY OTHER STATE AGENCIES INCLUDING BUT NOT LIMITED TO WAGE DATA, EMPLOYMENT DATA, AND INCOME TAX DATA. THE JUDICIAL DEPARTMENT AND ANY OTHER DEPARTMENTS ARE AUTHORIZED TO ENTER INTO AGREEMENTS FOR THE SHARING OF SUCH DATA.

(d) NOTWITHSTANDING THE PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S., DOCUMENTS AND INFORMATION OBTAINED BY THE COLLECTIONS INVESTIGATORS PURSUANT TO THIS SUBSECTION (3) SHALL NOT BE PUBLIC RECORDS, BUT SHALL BE OPEN TO PUBLIC INSPECTION ONLY UPON AN ORDER OF THE COURT BASED ON A FINDING OF GOOD CAUSE. DOCUMENTS AND INFORMATION OBTAINED BY THE COLLECTION INVESTIGATORS MAY BE MADE AVAILABLE TO THE VICTIM AND TO ANY PRIVATE COLLECTION AGENCY OR THIRD PARTY WITH WHOM THE JUDICIAL DEPARTMENT MAY CONTRACT FOR THE COLLECTION OF PAST DUE RESTITUTION. IN ADDITION, IF ANY WARRANT IS ISSUED FOR THE ARREST OF ANY DEFENDANT DUE TO NONPAYMENT OF RESTITUTION, INFORMATION CONCERNING THE DEFENDANT'S ADDRESS AND PLACE OF EMPLOYMENT MAY BE SHARED WITH A CRIMINAL JUSTICE AGENCY.

(4) (a) (I) FOLLOWING THE INVESTIGATION DESCRIBED IN SUBSECTION (3) OF THIS SECTION, THE COLLECTIONS INVESTIGATOR SHALL ESTABLISH A PAYMENT SCHEDULE AND DIRECT THAT THE DEFENDANT:

- (A) PAY THE FULL AMOUNT ORDERED IMMEDIATELY;
 - (B) PAY THE FULL AMOUNT ORDERED AS A SINGLE PAYMENT ON A SPECIFIED DATE;
- OR
- (C) PAY THE FULL AMOUNT ORDERED IN SPECIFIED PARTIAL AMOUNTS ON SPECIFIED DATES.

(II) THE COLLECTIONS INVESTIGATOR MAY ASK THE COURT TO ENTER THE PAYMENT SCHEDULE AS AN ORDER OF COURT.

(b) IN ADDITION TO THE PAYMENTS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (4), THE COLLECTIONS INVESTIGATOR MAY DIRECT THAT:

(I) IF THE DEFENDANT IS UNEMPLOYED, THE DEFENDANT SEEK GAINFUL EMPLOYMENT AND REPORT TO THE INVESTIGATOR ON SUCH EFFORTS BY A SPECIFIED DATE;

(II) THE DEFENDANT SHALL NOT INCUR ADDITIONAL DEBT OR FINANCIAL OBLIGATION WITHOUT THE APPROVAL OF THE COLLECTIONS INVESTIGATOR, WHICH APPROVAL SHALL NOT BE UNREASONABLY WITHHELD; OR

(III) THE DEFENDANT PROMPTLY REPORT TO THE COLLECTIONS INVESTIGATOR ANY CHANGES IN INCOME, ASSETS, OR OTHER FINANCIAL CIRCUMSTANCES.

(5) FOLLOWING THE INVESTIGATION REQUIRED BY SUBSECTION (3) OF THIS SECTION, THE COLLECTIONS INVESTIGATOR MAY ALSO:

(a) (I) RECORD A TRANSCRIPT OF THE ORDER FOR RESTITUTION IN THE REAL ESTATE RECORDS IN THE OFFICE OF THE CLERK AND RECORDER OF ANY COUNTY IN WHICH THE DEFENDANT HOLDS AN INTEREST IN REAL PROPERTY. FROM THE TIME OF THE RECORDING OF THE TRANSCRIPT, THERE SHALL BE A LIEN THAT IS AN ENCUMBRANCE IN FAVOR OF THE STATE OR THE VICTIM, OR AN ASSIGNEE OF THE STATE OR THE VICTIM, AND SHALL ENCUMBER ANY INTEREST OF THE DEFENDANT IN REAL PROPERTY IN SUCH COUNTY.

(II) (A) THE LIEN CREATED BY THIS PARAGRAPH (a), SHALL REMAIN IN EFFECT UNTIL ALL AMOUNTS OF RESTITUTION, INCLUDING INTEREST, COSTS, TIME PAYMENT FEES, AND LATE FEES ARE PAID OR FOR A PERIOD OF TWENTY YEARS AFTER THE RECORDING OF THE TRANSCRIPT. SO LONG AS THERE IS AN AMOUNT STILL OWING, THE COLLECTIONS INVESTIGATOR OR THE VICTIM OR THE ASSIGNEE OF THE STATE OR THE VICTIM MAY RECORD A NEW TRANSCRIPT OF THE ORDER OF RESTITUTION. ANY TRANSCRIPT OF THE ORDER FOR RESTITUTION RECORDED PURSUANT TO THIS SUBPARAGRAPH (II) PRIOR TO THE EXPIRATION OF THE TWENTY-YEAR PERIOD SHALL RELATE BACK TO THE DATE OF THE RECORDING OF THE ORIGINAL TRANSCRIPT OF THE ORDER FOR RESTITUTION AND SHALL BE VALID FOR A PERIOD OF TWENTY YEARS AFTER THE RECORDING OF THE SUBSEQUENT TRANSCRIPT. MORE THAN ONE SUBSEQUENT TRANSCRIPT SHALL BE PERMITTED.

(B) WITHIN TWENTY DAYS AFTER THE PAYMENT OF ALL SUCH AMOUNTS OF RESTITUTION, THE COLLECTIONS INVESTIGATOR OR THE VICTIM, OR THE ASSIGNEE OF THE STATE OR THE VICTIM, SHALL RECORD A CERTIFICATE OF SATISFACTION OF JUDGMENT ISSUED BY THE CLERK OF THE COURT WITH EACH CLERK AND RECORDER WHERE A TRANSCRIPT WAS RECORDED. THE SATISFACTION OF JUDGMENT SHALL BE CONCLUSIVE EVIDENCE THAT THE LIEN WAS EXTINGUISHED.

(III) THE COLLECTIONS INVESTIGATOR AND THE VICTIM SHALL BE EXEMPT FROM THE PAYMENT OF RECORDING FEES CHARGED BY THE CLERK AND RECORDER FOR THE RECORDING OF THE TRANSCRIPTS AND SATISFACTIONS OF JUDGMENT.

(b) (I) FILE A TRANSCRIPT OF THE ORDER FOR RESTITUTION WITH THE CENTRAL INDEXING SYSTEM BOARD ESTABLISHED PURSUANT TO SECTION 4-9.3-103, C.R.S., BY

MEANS OF ELECTRONIC DATA TRANSMISSION. FROM THE TIME OF THE FILING OF THE TRANSCRIPT, THERE SHALL BE A LIEN THAT IS AN ENCUMBRANCE IN FAVOR OF THE STATE OR THE VICTIM, OR AN ASSIGNEE OF THE STATE OR THE VICTIM, AND SHALL ENCUMBER ANY INTEREST OF THE DEFENDANT IN ANY PERSONAL PROPERTY.

(II) THE LIEN CREATED BY THIS PARAGRAPH (b), SHALL REMAIN IN EFFECT WITHOUT THE NECESSITY OF RENEWAL FOR TWELVE YEARS OR UNTIL ALL AMOUNTS OF RESTITUTION, INCLUDING INTEREST, COSTS, TIME PAYMENT FEES, AND LATE FEES ARE PAID. WITHIN TWENTY DAYS AFTER THE PAYMENT OF ALL SUCH AMOUNTS OF RESTITUTION, THE COLLECTIONS INVESTIGATOR OR THE VICTIM, OR THE ASSIGNEE OF THE STATE OR THE VICTIM, SHALL FILE A SATISFACTION OF JUDGMENT WITH THE CENTRAL INDEXING SYSTEM BOARD. THE SATISFACTION OF JUDGMENT SHALL BE CONCLUSIVE EVIDENCE THAT THE LIEN WAS EXTINGUISHED.

(III) THE COLLECTIONS INVESTIGATOR AND THE VICTIM SHALL BE EXEMPT FROM THE PAYMENT OF FILING FEES CHARGED BY THE CENTRAL INDEXING SYSTEM BOARD.

(c) (I) FILE A TRANSCRIPT OF THE ORDER FOR RESTITUTION WITH THE AUTHORIZED AGENT AS DEFINED IN SECTION 42-6-102 (1), C.R.S. FROM THE TIME OF THE FILING OF THE TRANSCRIPT, THERE SHALL BE A LIEN THAT IS AN ENCUMBRANCE IN FAVOR OF THE STATE OR THE VICTIM, OR AN ASSIGNEE OF THE STATE OR THE VICTIM, AND SHALL ENCUMBER ANY INTEREST OF THE DEFENDANT IN A MOTOR VEHICLE. IN ORDER FOR SUCH LIEN TO BE EFFECTIVE AS A VALID LIEN AGAINST A MOTOR VEHICLE, THE STATE OR THE VICTIM, OR THE ASSIGNEE OF THE STATE OR THE VICTIM, SHALL HAVE SUCH LIEN FILED FOR PUBLIC RECORD AND NOTED ON THE OWNER'S CERTIFICATE OF TITLE IN THE MANNER PROVIDED IN SECTIONS 42-6-121 AND 42-6-129, C.R.S.

(II) THE LIEN CREATED BY THIS PARAGRAPH (c), SHALL REMAIN IN EFFECT FOR THE SAME PERIOD OF TIME AS ANY OTHER LIEN ON MOTOR VEHICLES AS SPECIFIED IN SECTION 42-6-127, C.R.S., OR UNTIL ALL AMOUNTS OF RESTITUTION, INCLUDING INTEREST, COSTS, TIME PAYMENT FEES, AND LATE FEES ARE PAID, WHICHEVER OCCURS FIRST. A LIEN CREATED PURSUANT TO THIS PARAGRAPH (c) MAY BE RENEWED PURSUANT TO SECTION 42-6-127, C.R.S. WITHIN TWENTY DAYS AFTER THE PAYMENT OF ALL SUCH AMOUNTS OF RESTITUTION, THE COLLECTIONS INVESTIGATOR OR THE VICTIM OR THE ASSIGNEE OF THE STATE OR THE VICTIM SHALL RELEASE THE LIEN PURSUANT TO THE PROCEDURES SPECIFIED IN SECTION 42-6-125, C.R.S. WHEN A LIEN CREATED BY THIS PARAGRAPH (c) IS RELEASED, THE AUTHORIZED AGENT AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL PROCEED AS PROVIDED IN SECTION 42-6-126, C.R.S.

(III) THE COLLECTIONS INVESTIGATOR AND THE VICTIM SHALL NOT BE EXEMPT FROM THE PAYMENT OF FILING FEES CHARGED BY THE AUTHORIZED AGENT FOR THE FILING OF EITHER THE TRANSCRIPT OF ORDER OR THE RELEASE OF LIEN. HOWEVER, THE STATE OR THE VICTIM, OR THE ASSIGNEE OF THE STATE OR THE VICTIM, MAY ADD THE AMOUNT OF THE FILING FEES TO THE LIEN AMOUNT AND COLLECT THE AMOUNT FROM THE DEFENDANT.

16-18.5-105. Monitoring - default - penalties. (1) THE COLLECTIONS INVESTIGATOR SHALL BE RESPONSIBLE FOR MONITORING THE PAYMENTS OF

RESTITUTION BY ANY DEFENDANT REFERRED TO THE INVESTIGATOR PURSUANT TO SECTION 16-18.5-104. BASED UPON CHANGES IN THE DEFENDANT'S FINANCIAL CIRCUMSTANCES, THE COLLECTIONS INVESTIGATOR MAY MODIFY THE PAYMENT SCHEDULE ESTABLISHED PURSUANT TO SECTION 16-18.5-104 (4). IF A PAYMENT SCHEDULE HAS BEEN MADE AN ORDER OF THE COURT PURSUANT TO SECTION 16-18.5-104 (4) (a) (II), PRIOR TO ENFORCING A NEW SCHEDULE, THE COLLECTIONS INVESTIGATOR SHALL REQUEST AND OBTAIN A MODIFICATION OF THE ORDER.

(2) IN ADDITION TO ANY OTHER COSTS THAT MAY ACCRUE, FOR EACH PAYMENT OF RESTITUTION THAT A DEFENDANT FAILS TO MAKE WITHIN FIVE DAYS AFTER THE DATE THAT THE PAYMENT IS DUE PURSUANT TO ANY PAYMENT SCHEDULE ESTABLISHED PURSUANT TO THIS ARTICLE, THE DEFENDANT SHALL BE CHARGED A LATE FEE OF TEN DOLLARS. SUCH LATE FEES SHALL BE COLLECTED FROM THE DEFENDANT AFTER THE DEFENDANT HAS SATISFIED ALL ORDERS FOR RESTITUTION. ALL PAYMENTS FOR LATE FEES SHALL BE CREDITED TO THE JUDICIAL COLLECTION ENHANCEMENT FUND CREATED IN SECTION 16-11-101.6 (2).

(3) WHENEVER A DEFENDANT FAILS TO MAKE A PAYMENT OF RESTITUTION WITHIN FIVE DAYS AFTER THE DATE THAT THE PAYMENT IS DUE PURSUANT TO A PAYMENT SCHEDULE ESTABLISHED PURSUANT TO THIS ARTICLE, IN ADDITION TO ANY OTHER REMEDY, THE COLLECTIONS INVESTIGATOR MAY:

(a) CONDUCT AN ADDITIONAL FINANCIAL INVESTIGATION OF THE DEFENDANT AS DESCRIBED IN SECTION 16-18.5-104 (3);

(b) REQUEST THAT THE CLERK OF THE COURT ISSUE AN ATTACHMENT OF EARNINGS REQUIRING THAT A CERTAIN PORTION OF A DEFENDANT'S EARNINGS, NOT TO EXCEED FIFTY PERCENT, BE WITHHELD AND APPLIED TO ANY UNPAID RESTITUTION, IF SUCH AN ATTACHMENT DOES NOT ADVERSELY IMPACT THE DEFENDANT'S ABILITY TO COMPLY WITH OTHER ORDERS OF THE COURT. AN ATTACHMENT OF EARNINGS UNDER THIS PARAGRAPH (b) 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. AN ATTACHMENT OF EARNINGS ISSUED PURSUANT TO THIS PARAGRAPH (b) SHALL BE ENFORCEABLE IN THE SAME MANNER AS A GARNISHMENT IN A CIVIL ACTION. FOR PURPOSES OF THIS SECTION, "EARNINGS" SHALL HAVE THE SAME MEANING AS SET FORTH FOR ANY TYPE OF GARNISHMENT IN SECTION 13-54.5-101, C.R.S., AND SHALL INCLUDE PROFITS;

(c) REQUEST THAT THE CLERK OF THE COURT ISSUE A WRIT OF EXECUTION, WRIT OF ATTACHMENT, OR OTHER CIVIL PROCESS TO COLLECT UPON A JUDGMENT PURSUANT TO ARTICLE 52 OF TITLE 13, C.R.S.;

(d) REQUEST THAT THE COURT ISSUE A NOTICE TO SHOW CAUSE REQUIRING THE DEFENDANT TO APPEAR BEFORE THE COURT AND SHOW CAUSE WHY THE REQUIRED PAYMENT OR PAYMENTS WERE NOT MADE. UPON A FINDING OF THE DEFENDANT'S FAILURE TO PAY, UNLESS THE DEFENDANT ESTABLISHES THAT HE OR SHE WAS UNABLE TO MAKE THE PAYMENTS, THE COURT MAY:

(I) REVOKE PROBATION AND IMPOSE ANY OTHER SENTENCE PERMITTED BY LAW;

(II) ORDER THAT THE DEFENDANT BE CONFINED TO JAIL WITH A RECOMMENDATION THAT THE DEFENDANT PARTICIPATE IN A WORK RELEASE PROGRAM;

(III) EXTEND THE PERIOD OF PROBATION; OR

(IV) FIND THE DEFENDANT IN CONTEMPT OF COURT AND IMPOSE ANY AUTHORIZED PENALTIES FOR SUCH ACTION;

(e) (I) EMPLOY ANY METHOD AVAILABLE TO COLLECT STATE RECEIVABLES, INCLUDING THE ASSIGNMENT OF THE DEFENDANT'S ACCOUNTS TO A THIRD PARTY THAT HAS AN AGREEMENT WITH THE JUDICIAL DEPARTMENT UNDER THIS PARAGRAPH (e);

(II) THE JUDICIAL DEPARTMENT MAY ENTER INTO AGREEMENTS WITH THIRD PARTIES FOR COLLECTION-RELATED SERVICES. ANY FEES OR COSTS OF THE THIRD PARTIES SHALL BE ADDED TO THE AMOUNT OF RESTITUTION OWED BY THE DEFENDANT, BUT SUCH FEES AND COSTS SHALL NOT EXCEED TWENTY-FIVE PERCENT OF THE AMOUNT COLLECTED.

16-18.5-106. Restitution for persons sentenced to the department of corrections. (1) WHENEVER A PERSON IS SENTENCED TO THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF CORRECTIONS IS AUTHORIZED TO CONDUCT AN INVESTIGATION INTO THE FINANCIAL CIRCUMSTANCES OF THE DEFENDANT, AS DESCRIBED IN SECTION 16-18.5-104 (3), FOR PURPOSES OF DETERMINING THE DEFENDANT'S ABILITY TO PAY RESTITUTION.

(2) DURING ANY PERIOD OF TIME THAT A DEFENDANT IS A STATE PRISONER, AS DEFINED IN SECTION 17-1-102 (8), C.R.S., THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, OR HIS OR HER DESIGNEE, MAY FIX THE TIME AND MANNER OF PAYMENT OF RESTITUTION AND MAY DIRECT THAT A PORTION OF THE DEPOSITS INTO SUCH INMATE'S BANK ACCOUNT BE APPLIED TO ANY UNPAID RESTITUTION. AT A MINIMUM, THE EXECUTIVE DIRECTOR SHALL ORDER THAT TWENTY PERCENT OF ALL DEPOSITS INTO AN INMATE'S BANK ACCOUNT, INCLUDING DEPOSITS FOR INMATE PAY SHALL BE DEDUCTED AND PAID TOWARD ANY OUTSTANDING ORDER FROM A CRIMINAL CASE OR FOR CHILD SUPPORT. IF AN INMATE OWES MONEY ON MORE THAN ONE ORDER FROM A CRIMINAL CASE OR FOR CHILD SUPPORT, THE EXECUTIVE DIRECTOR MAY EQUITABLY APPORTION PAYMENTS AMONG THE OUTSTANDING OBLIGATIONS.

(3) WHENEVER A DEFENDANT IS RELEASED FROM A CORRECTIONAL FACILITY, THE DEFENDANT SHALL BE OBLIGATED TO MAKE PAYMENTS FOR RESTITUTION AS REQUIRED BY SECTION 17-2-201 (5) (c) (I), C.R.S.

(4) THE DEPARTMENT OF CORRECTIONS MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE JUDICIAL DEPARTMENT OR CONTRACT WITH A PRIVATE COLLECTION AGENCY FOR THE COLLECTION OF RESTITUTION FROM DEFENDANTS SENTENCED TO THE DEPARTMENT OF CORRECTIONS OR RELEASED ON PAROLE.

16-18.5-107. Collection of restitution by the victim. (1) ANY VICTIM IN WHOSE

NAME A RESTITUTION ORDER HAS BEEN ENTERED SHALL HAVE A RIGHT TO PURSUE COLLECTION OF THE AMOUNT OF RESTITUTION OWED TO SUCH PERSON IN SUCH PERSON'S OWN NAME. ANY VICTIM WHO WISHES TO COLLECT RESTITUTION PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL FIRST DELIVER TO THE CLERK OF THE COURT OR, IF THE DEFENDANT WAS SENTENCED TO THE DEPARTMENT OF CORRECTIONS, TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS A NOTICE OF INTENT TO PURSUE COLLECTION. UPON RECEIPT OF NOTICE OF INTENT TO PURSUE COLLECTION, THE COURT, THE COLLECTIONS INVESTIGATOR, AND THE DEPARTMENT OF CORRECTIONS SHALL CEASE ALL ATTEMPTS TO COLLECT THE RESTITUTION DUE TO THE PERSON OR PERSONS NAMED IN THE NOTICE, EXCEPT THAT THE COLLECTIONS INVESTIGATOR MAY STILL ASSIST THE VICTIM IN THE VICTIM'S EFFORT. THE FILING OF A VICTIM'S INTENT TO PURSUE COLLECTION AND A VICTIM'S SUBSEQUENT COLLECTION EFFORTS DO NOT ALTER A COURT'S ORDER THAT RESTITUTION IS A CONDITION OF THE DEFENDANT'S PROBATION, AND SUCH PROBATION MAY STILL BE REVOKED BY THE COURT UPON A FINDING OF FAILURE TO PAY RESTITUTION.

(2) ANY VICTIM WHO HAS FILED A NOTICE OF INTENT TO PURSUE COLLECTION MAY APPLY TO THE SENTENCING COURT FOR ISSUANCE OF ANY OF THE FOLLOWING THAT, IF PROVIDED, SHALL BE PROVIDED WITHOUT COST:

(a) ONE OR MORE CERTIFIED COPIES OF THE TRANSCRIPT OF THE ORDER FOR RESTITUTION;

(b) AN ORDER THAT A PORTION OF THE DEFENDANT'S EARNINGS BE WITHHELD PURSUANT TO SECTION 16-18.5-105 (3) (b);

(c) A WRIT OF EXECUTION, WRIT OF ATTACHMENT, OR OTHER CIVIL PROCESS TO COLLECT UPON A JUDGMENT PURSUANT TO ARTICLE 52 OF TITLE 13, C.R.S.

(3) IF THE VICTIM CHOOSES TO RECORD A COPY OF THE TRANSCRIPT WITH A CLERK AND RECORDER OR WITH THE CENTRAL INDEXING SYSTEM BOARD, THE VICTIM MAY DO SO WITHOUT CHARGE.

(4) A VICTIM MAY WITHDRAW HIS OR HER INTENT TO PURSUE COLLECTION BY FILING A NOTICE OF SUCH WITHDRAWAL WITH THE PERSON TO WHOM THE NOTICE OF INTENT WAS SERVED PURSUANT TO SUBSECTION (1) OF THIS SECTION. SUCH NOTICE SHALL STATE THE AMOUNT, IF ANY, OF RESTITUTION COLLECTED BY THE VICTIM. UPON RECEIPT OF A NOTICE OF WITHDRAWAL, THE COLLECTIONS INVESTIGATOR OR THE DEPARTMENT OF CORRECTIONS SHALL PURSUE COLLECTION OF THE RESTITUTION PURSUANT TO THIS ARTICLE.

(5) THE JUDICIAL DEPARTMENT SHALL DEVELOP INFORMATIONAL BROCHURES FOR VICTIMS EXPLAINING THE PROCESS OF RESTITUTION AND THE VICTIM'S RIGHTS AND REMEDIES.

16-18.5-108. Dishonored check fee. WHENEVER A PAYMENT OF RESTITUTION THAT WAS PRESENTED IN THE FORM OF A CHECK OR SIMILAR SIGHT DRAFT FOR THE PAYMENT OF MONEY IS SUBSEQUENTLY DISHONORED BY THE FINANCIAL INSTITUTION FOR ANY REASON UPON PRESENTMENT WITHIN THIRTY DAYS AFTER ISSUE, THE AGENCY SUPERVISING THE COLLECTION OF SUCH PAYMENT MAY ASSESS A TWENTY

DOLLAR PENALTY AGAINST THE DEFENDANT. THE PENALTY PROVIDED IN THIS SECTION SHALL BE ASSESSED IN ADDITION TO ANY OTHER PENALTIES OR INTEREST AUTHORIZED BY LAW.

16-18.5-109. Declined or unclaimed restitution. (1) IF AT THE TIME THAT AN ORDER FOR RESTITUTION IS ENTERED NO VICTIM CAN BE REASONABLY LOCATED OR THE VICTIM DECLINES TO ACCEPT RESTITUTION, THE DEFENDANT SHALL STILL PAY RESTITUTION BUT SUCH RESTITUTION SHALL BE MADE TO THE STATE AND DISTRIBUTED AS PROVIDED FOR IN SUBSECTION (3) OF THIS SECTION.

(2) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 13-32-108 AND 13-32-112, C.R.S., ALL RESTITUTION PAID TO THE CLERK OF ANY COURT OR INTO THE REGISTRY OF ANY COURT THAT HAS BEEN UNCLAIMED FOR A PERIOD OF TWO YEARS OR MORE AFTER THE FINAL DETERMINATION OF ANY CASE IN WHICH SAID RESTITUTION WAS COLLECTED OR MONEY DEPOSITED SHALL BE DISTRIBUTED AS PROVIDED FOR IN SUBSECTION (3) OF THIS SECTION.

(3) THE AMOUNTS OF RESTITUTION REMAINING UNDISTRIBUTED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE PAID TO THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND CREATED PURSUANT TO SECTION 24-4.2-103, C.R.S., AND TO THE CRIME VICTIM COMPENSATION FUND CREATED PURSUANT TO SECTION 24-4.1-117, C.R.S., IN THE JUDICIAL DISTRICT IN WHICH THE CRIME OCCURRED. THE CHAIR OF THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT BOARD, IN CONSULTATION WITH THE BOARD, AND THE CHAIR OF THE CRIME VICTIM COMPENSATION BOARD, IN CONSULTATION WITH THE BOARD, IN EACH JUDICIAL DISTRICT SHALL DESIGNATE ON OR BEFORE EACH DECEMBER 1, STARTING DECEMBER 1, 2000, HOW MONEYS RECEIVED PURSUANT TO THIS SECTION SHALL BE DIVIDED BETWEEN THE TWO FUNDS DURING THE NEXT CALENDAR YEAR FOR THAT JUDICIAL DISTRICT. IF THE CHAIRS ARE UNABLE TO AGREE ON A DISTRIBUTION, THE VICTIMS COMPENSATION AND ASSISTANCE COORDINATING COMMITTEE CREATED PURSUANT TO SECTION 24-4.1-117.5 (2) (a), C.R.S., SHALL DESIGNATE HOW THE MONEYS SHALL BE DIVIDED BETWEEN THE FUNDS FOR THAT JUDICIAL DISTRICT. IF NO DESIGNATION IS MADE, THE PAYMENTS SHALL BE MADE TO THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND.

16-18.5-110. Order of crediting payments. (1) PAYMENTS RECEIVED SHALL BE CREDITED IN THE FOLLOWING ORDER:

(a) COSTS FOR CRIME VICTIMS COMPENSATION FUND, PURSUANT TO SECTION 24-4.1-119, C.R.S.;

(b) SURCHARGES FOR VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND, PURSUANT TO SECTION 24-4.2-104, C.R.S.;

(c) RESTITUTION;

(d) TIME PAYMENT FEE;

(e) LATE FEES; AND

(f) ANY OTHER FINES, FEES, OR SURCHARGES.

SECTION 2. 19-2-918, Colorado Revised Statutes, 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~~ AS REQUIRED BY ARTICLE 18.5 OF TITLE 16, C.R.S.

~~(2) The order of restitution shall require payment 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 to be paid in a reasonable manner, as determined by the court and in accordance with section 16-11-101.6, ARTICLE 18.5 OF TITLE 16, C.R.S.~~

SECTION 3. 19-2-919 (1) (c) and (2), Colorado Revised Statutes, are amended, and the said 19-2-919 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

19-2-919. Sentencing - requirements imposed on parents. (1) In addition to any of the provisions specified in sections 19-2-907 to 19-2-918, any sentence imposed pursuant to section 19-2-907 may require:

(c) The juvenile or both the juvenile and his or her custodial parent or parent with parental responsibilities or guardian to perform services for the victim, as provided in section 19-2-308, designed to contribute to the rehabilitation of the juvenile, if the victim consents in writing to such services. However, the value of the services required to be rendered by the parent, guardian, legal custodian of, or parent with parental responsibilities with respect to the juvenile under this paragraph (c) shall not exceed ~~the damages as set forth in section 13-21-107, C.R.S.,~~ TWENTY-FIVE THOUSAND DOLLARS for any one delinquent act.

(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 or the parent allocated parental responsibilities with respect to the juvenile to make restitution to one or more victims 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 or parent allocated parental responsibilities with respect to the juvenile under this subsection (2) shall not exceed ~~the damages as set forth in section 13-21-107, C.R.S.,~~ TWENTY-FIVE THOUSAND DOLLARS for any one delinquent act. If the court finds, after a hearing, that the guardian or legal custodian of the juvenile or the parent allocated parental responsibilities with respect to 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 or parent allocated parental responsibilities with respect to the juvenile 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 victims 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~~ TWENTY-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).

(3) ANY ORDER OF RESTITUTION ENTERED PURSUANT TO THIS SECTION MAY BE COLLECTED PURSUANT TO THE PROVISIONS OF ARTICLE 18.5 OF TITLE 16, C.R.S.

SECTION 4. 17-2-201 (5) (c), Colorado Revised Statutes, is amended to read:

17-2-201. State board of parole. (5) (c) (I) As a condition of every parole, the board shall ~~provide ORDER~~ that the offender make restitution to the victim OR VICTIMS of his or her conduct. ~~or a member of the victim's immediate family for the actual pecuniary damages that were sustained.~~ THE AMOUNT OF SUCH RESTITUTION SHALL BE DETERMINED BY THE COURT PURSUANT TO ARTICLE 18.5 OF TITLE 16, C.R.S. ~~Such restitution shall be ordered by~~ The board SHALL FIX THE MANNER AND TIME OF PAYMENT OF RESTITUTION 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~~ ARTICLE 18.5 OF TITLE 16, C.R.S. ~~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 14-6-110, 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~~ MAY be returned to the board ~~that~~, AND, upon proof of failure to pay, ~~may~~ THE BOARD SHALL:

(A) (Deleted by amendment, L. 96, p. 1779, § 5, effective June 3, 1996.)

(B) ORDER THAT THE OFFENDER CONTINUE ON PAROLE OR extend the period of parole, ~~subject to section 17-22.5-303~~ EITHER SUBJECT TO THE SAME CONDITION OR MODIFIED CONDITIONS OF PAROLE; or

(C) Revoke the parole AND REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE HEARING IS HELD TO TRANSPORT THE PAROLEE TO A PLACE OF CONFINEMENT DESIGNATED BY THE EXECUTIVE DIRECTOR;

(D) REVOKE PAROLE FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY DAYS AND REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE HEARING IS HELD TO TRANSPORT THE PAROLEE TO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO SECTION 17-27-105 (3), A PLACE OF CONFINEMENT WITHIN THE DEPARTMENT OF CORRECTIONS, OR ANY PRIVATE FACILITY THAT IS UNDER CONTRACT WITH THE DEPARTMENT OF CORRECTIONS; OR

(E) REVOKE PAROLE FOR A PERIOD NOT TO EXCEED NINETY DAYS AND REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE HEARING IS HELD TO TRANSPORT THE PAROLEE TO THE COUNTY JAIL OF SUCH COUNTY OR TO ANY PRIVATE FACILITY THAT IS UNDER CONTRACT WITH THE DEPARTMENT OF CORRECTIONS.

(III) ~~If, at the time of the parole of the offender, 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 offender still shall make restitution; except that such 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.~~

SECTION 5. Repeal. 16-11-101.5, Colorado Revised Statutes, is repealed.

SECTION 6. 16-11-101.6 (1), (3), (4), and (5), Colorado Revised Statutes, are amended to read:

16-11-101.6. Collection of 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~~. A 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.

(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 7. 16-11-102 (1) (a) and (4), Colorado Revised Statutes, are amended to read:

16-11-102. Presentence or probation investigation. (1) (a) Following the return of a verdict of guilty of a felony, other than a class 1 felony, or following a finding of guilt on such charge where the issues were tried to the court, or on a plea of guilty or nolo contendere to such a charge, or upon order of the court in any misdemeanor conviction, the probation officer shall make an investigation and written report to the court before the imposition of sentence. Each presentence report shall include a substance abuse assessment or evaluation made pursuant to article 11.5 of this title and, unless waived by the court, shall include, but not be limited to, information as to the defendant's family background, educational history, employment record, and past criminal record, including the defendant's past juvenile delinquency record, if any, if the defendant has been convicted of unlawful sexual behavior as defined in section 18-3-412.5 (1) (b), C.R.S., an evaluation of the alternative dispositions available for the defendant; the information required by the court pursuant to ~~section 16-11-204.5~~ ARTICLE 18.5 OF THIS TITLE; a victim impact statement; and such other information as the court may require. A victim impact statement shall be prepared by the district attorney's office on and after September 1, 1985. The department of human services shall provide the district attorney's office with the information necessary for the preparation of a victim impact statement. In addition, the court, in cases that it deems appropriate, may require the presentence report to include the findings and results of a professionally conducted psychiatric examination of the defendant. No less than seventy-two hours prior to the sentencing hearing, copies of the presentence report, including any recommendations as to probation, shall be furnished to the prosecuting attorney and defense counsel or to the defendant if he or she is unrepresented. A copy of the presentence report shall be transmitted to the department of corrections together with the mittimus.

(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~~ 16-18.5-103.2 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 ORDERED PURSUANT TO ARTICLE 18.5 OF THIS TITLE AND 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 8. 16-11-204 (1) and (2.5), Colorado Revised Statutes, are amended to read:

16-11-204. Conditions of probation. (1) The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will lead a law-abiding life and to assist the defendant in doing so. The court shall provide as explicit conditions of every sentence to probation that the defendant not commit another offense during the period for which the sentence remains subject to revocation, that the defendant make restitution pursuant to ~~section 16-11-204.5~~ ARTICLE 18.5 OF THIS TITLE that the defendant comply with any court orders regarding substance abuse testing and treatment issued pursuant to article 11.5 of this title, and that the defendant comply with any court orders regarding the treatment of sex offenders issued pursuant to article 11.7 of this title. The court shall provide as an explicit condition of every sentence to probation that the defendant not harass, molest, intimidate, retaliate against, or tamper with the victim of or any prosecution witnesses to the crime, unless the court makes written findings that such condition is not necessary.

(2.5) The order of priority for any payments required of a defendant pursuant to subparagraph (IV), (V), (VI), or (VI.5) of paragraph (a) of subsection (2) of this section shall be as follows: ~~restitution or reparation, support of dependents and meeting other family responsibilities, including~~

- (a) Payment of a current child support order;
- (b) PAYMENT OF child support arrearage;
- (c) PAYMENT OF child support debt order; ~~or~~
- (d) PAYMENT OF spousal maintenance;
- (e) ~~costs of court proceedings or costs of supervision of probation, any fines or fees imposed by a court~~ PAYMENT OF COSTS FOR THE CRIME VICTIMS COMPENSATION FUND, PURSUANT TO SECTION 24-4.1-119, C.R.S.;
- (f) PAYMENT OF SURCHARGES FOR THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND, PURSUANT TO SECTION 24-4.2-104, C.R.S.;
- (g) PAYMENT OF RESTITUTION;

(h) PAYMENT OF A TIME PAYMENT FEE;

(i) PAYMENT OF LATE FEES;

(j) PAYMENT OF ANY OTHER FINES, FEES, OR SURCHARGES; and

(k) Repayment of all or part of any reward paid by a crime stopper organization that led to the defendant's arrest and conviction.

SECTION 9. 16-11-204.5, Colorado Revised Statutes, is amended to read:

16-11-204.5. Restitution as a condition of probation. (1) As a condition of every sentence to probation, the court shall 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 that were sustained PURSUANT TO THE PROVISIONS OF ARTICLE 18.5 OF THIS TITLE. 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 equal to the actual pecuniary damages sustained by the victim. 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:~~

~~(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:~~

(3) ~~When, as a result of a plea bargain agreement, a defendant is ordered to make restitution pursuant to subsection (1) of this section, the department or agency supervising the collection of such restitution may assess a charge of fifteen dollars to the defendant for collection of each bad check or each bad check received as a restitution payment. For the purposes of this section, "bad check" means a check or similar sight order for the payment of money which is dishonored by the bank or other drawee because the issuer does not have sufficient funds upon deposit with the bank or other drawee to pay the check or order upon presentation within thirty days after~~

issue:

(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, 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.

SECTION 10. 16-11-212 (2), Colorado Revised Statutes, is amended to read:

16-11-212. Work and education release programs. (2) All employment income of a probationer participating in a work release program shall be received and deposited by the probation officer in the registry of the court. The court shall order disbursement of the funds so deposited in payment of the following items which are listed in the order of their priority: ~~Restitution, legal obligations of support for dependents, probation supervision costs,~~

- (a) ANY CURRENT CHILD SUPPORT ORDER;
- (b) ANY CHILD SUPPORT ARREARAGE;
- (c) ANY CHILD SUPPORT DEBT ORDER;
- (d) ANY SPOUSAL MAINTENANCE;
- (e) COSTS FOR THE CRIME VICTIMS COMPENSATION FUND, PURSUANT TO SECTION 24-4.1-119, C.R.S.;
- (f) SURCHARGES FOR THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND, PURSUANT TO SECTION 24-4.2-104, C.R.S.;
- (g) RESTITUTION;
- (h) A TIME PAYMENT FEE;
- (i) LATE FEES;
- (j) ANY OTHER FINES, FEES, OR SURCHARGES;
- (k) Room, board, and work supervision inside and outside the county jail or other facility; ~~any fines or fees imposed by the court,~~ and
- (l) The probationer.

SECTION 11. 17-26-128 (5), Colorado Revised Statutes, is amended to read:

17-26-128. Employment of county prisoners. (5) By order of the court, the wages or salaries of employed prisoners shall be disbursed by the sheriff for the

following purposes, in the order stated:

(a) ~~Restitution or reparation, or both, to the victim of his conduct for the damage or injury which was sustained, the amount and manner of performance thereof which shall be fixed by the court and shall not exceed an amount the defendant can or will be able to pay;~~ PAYMENT OF ANY CURRENT CHILD SUPPORT ORDER;

(b) ~~The board of the prisoner;~~ PAYMENT OF ANY CHILD SUPPORT ARREARAGE;

(b.3) ~~The supervision and administrative services provided to the prisoner during his home detention;~~ PAYMENT OF ANY CHILD SUPPORT DEBT ORDER;

(c) ~~Necessary travel expense to and from work and other incidental expenses of the prisoner;~~ PAYMENT OF ANY SPOUSAL MAINTENANCE;

(d) ~~Support of the prisoner's dependents, if any;~~ PAYMENT OF COSTS FOR THE CRIME VICTIMS COMPENSATION FUND, PURSUANT TO SECTION 24-4.1-119, C.R.S.;

(e) ~~Payment, either in full or ratably, of the prisoner's obligations acknowledged by him in writing or which have been reduced to judgment;~~ PAYMENT OF SURCHARGES FOR THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND, PURSUANT TO SECTION 24-4.2-104, C.R.S.;

(f) ~~The balance, if any, to the prisoner upon his discharge.~~ PAYMENT OF RESTITUTION;

(g) PAYMENT OF A TIME PAYMENT FEE;

(h) PAYMENT OF LATE FEES;

(i) PAYMENT OF ANY OTHER FINES, FEES, OR SURCHARGES;

(j) PAYMENT OF THE BOARD OF THE PRISONER;

(k) PAYMENT OF THE SUPERVISION AND ADMINISTRATIVE SERVICES PROVIDED TO THE PRISONER DURING HIS HOME DETENTION;

(l) PAYMENT OF NECESSARY TRAVEL EXPENSE TO AND FROM WORK AND OTHER INCIDENTAL EXPENSES OF THE PRISONER;

(m) PAYMENT, EITHER IN FULL OR RATABLEY, OF THE PRISONER'S OBLIGATIONS ACKNOWLEDGED BY HIM IN WRITING OR WHICH HAVE BEEN REDUCED TO JUDGMENT; AND

(n) THE BALANCE, IF ANY, TO THE PRISONER UPON HIS DISCHARGE.

SECTION 12. 18-1-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-1-105. Felonies classified - presumptive penalties. (12) EVERY SENTENCE ENTERED UNDER THIS SECTION SHALL INCLUDE CONSIDERATION OF RESTITUTION AS REQUIRED BY ARTICLE 18.5 OF TITLE 16, C.R.S.

SECTION 13. 18-1-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-1-106. Misdemeanors classified - penalties. (5) EVERY SENTENCE ENTERED UNDER THIS SECTION SHALL INCLUDE CONSIDERATION OF RESTITUTION AS REQUIRED BY ARTICLE 18.5 OF TITLE 16, C.R.S.

SECTION 14. 18-1-107, Colorado Revised Statutes, is amended to read:

18-1-107. Petty offenses classified - penalties. (1) A violation of a statute of this state is a "petty offense" if specifically classified as a class 1 or class 2 petty offense. The penalty for commission of a class 1 petty offense, upon conviction, is a fine of not more than five hundred dollars, or imprisonment for not more than six months other than in state correctional facilities, or both. The penalty for commission of a class 2 petty offense is a fine specified in the section defining the offense. The penalty assessment procedure of section 16-2-201, C.R.S., is available for the payment of fines in class 2 petty offense cases.

(2) EVERY SENTENCE ENTERED UNDER THIS SECTION SHALL INCLUDE CONSIDERATION OF RESTITUTION AS REQUIRED BY ARTICLE 18.5 OF TITLE 16, C.R.S.

SECTION 15. 18-1-108, Colorado Revised Statutes, is amended to read:

18-1-108. Offenses not classified. (1) Any felony, misdemeanor, or petty offense defined by state statute without specification of its class shall be punishable as provided in the statute defining it. For felony offenses committed on or after July 1, 1993, if the sentencing court sentences an offender to incarceration pursuant to the provisions of this section, the sentencing court shall also impose a mandatory period of parole of two years.

(2) EVERY SENTENCE ENTERED UNDER THIS SECTION SHALL INCLUDE CONSIDERATION OF RESTITUTION AS REQUIRED BY ARTICLE 18.5 OF TITLE 16, C.R.S.

SECTION 16. 18-1-109, Colorado Revised Statutes, is amended to read:

18-1-109. Penalty not fixed by statute - punishment. (1) In all cases where an offense is denominated by statute as being a felony and no penalty is fixed in the statute therefor, the punishment shall be imprisonment for not more than five years in a correctional facility, as defined in section 17-1-102, C.R.S., or a fine of not more than fifteen thousand dollars, or both such imprisonment and fine. For offenses committed on or after July 1, 1985, a fine of not more than one hundred thousand dollars may be levied. For offenses committed on or after July 1, 1993, if the sentencing court sentences an offender to incarceration pursuant to the provisions of this section, the sentencing court shall also impose a mandatory period of parole of two years. In all cases where an offense is denominated a misdemeanor and no penalty is fixed in the statute therefor, the punishment shall be imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars,

or both such imprisonment and fine.

(2) EVERY SENTENCE ENTERED UNDER THIS SECTION SHALL INCLUDE CONSIDERATION OF RESTITUTION AS REQUIRED BY ARTICLE 18.5 OF TITLE 16, C.R.S.

SECTION 17. 18-5-205 (6), Colorado Revised Statutes, is amended to read:

18-5-205. Fraud by check - definitions - penalties. (6) If deferred prosecution is ordered, the court as a condition of supervision ~~may~~ SHALL require the defendant to make restitution on all checks issued by the defendant ~~which~~ THAT are unpaid as of the date of commencement of the supervision in addition to other terms and conditions appropriate for the treatment or rehabilitation of the defendant.

SECTION 18. 18-6.5-106 (3), Colorado Revised Statutes, is amended to read:

18-6.5-106. Payment of treatment costs for victims of crimes against at-risk adults or at-risk juveniles - restitution. (3) If an at-risk adult or an at-risk juvenile has sustained monetary damages as a result of the commission of a crime described in this article against such adult or juvenile, the court ~~may~~ SHALL order the offender to provide restitution pursuant to ~~section 16-11-204.5~~ ARTICLE 18.5 OF TITLE 16 and article 28 of title 17, C.R.S. If, after a reasonable period not to exceed one hundred eighty days, the offender has not, in the opinion of the court, completed adequate restitution, the offender's probation may be revoked. However, any remaining amount of restitution shall continue to have the full force and effect of a final judgment and remain enforceable pursuant to ~~section 16-11-101.5, C.R.S.~~ ARTICLE 18.5 OF TITLE 16, C.R.S.

SECTION 19. 18-9-113 (1) (c), Colorado Revised Statutes, is amended to read:

18-9-113. Desecration of venerated objects. (1) (c) The court shall order that any person convicted pursuant to this section make restitution to cover the costs of repairing any damages to any monument, headstone, memorial marker, structure, or place ~~which~~ THAT are the result of such person's conduct. Such restitution shall be paid to any person or entity ~~which~~ THAT repairs such damages, AS REQUIRED IN ARTICLE 18.5 OF TITLE 16, C.R.S.

SECTION 20. 24-4.1-110 (3), Colorado Revised Statutes, is amended to read:

24-4.1-110. Recovery from collateral source. (3) If a defendant is ordered to pay restitution under ~~section 16-11-204.5, 17-28-102, or 18-4-401~~ ARTICLE 18.5 OF TITLE 16, C.R.S., to a person who has received compensation awarded under this part 1, an amount equal to the compensation awarded shall be transmitted from such restitution to the board for allocation to the fund.

SECTION 21. 24-4.1-302.5 (1) (h), Colorado Revised Statutes, is amended to read:

24-4.1-302.5. Rights afforded to victims. (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime shall have the

following rights:

(h) The right to have the court determine the amount, if any, of restitution to be paid to a victim PURSUANT TO ARTICLE 18.5 OF TITLE 16, C.R.S., by any person convicted of a crime against such victim for the actual pecuniary damages that resulted from the commission of the crime;

SECTION 22. 42-4-1701 (3) (a) (II) (B), Colorado Revised Statutes, is amended to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (3) (a) (II) (B) Any person convicted of a class 1 or class 2 misdemeanor traffic offense SHALL BE REQUIRED TO PAY RESTITUTION AS REQUIRED BY ARTICLE 18.5 OF TITLE 16, C.R.S., AND may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by sub-subparagraph (A) of this subparagraph (II), subject to the conditions and restrictions of section 16-11-701, C.R.S.

SECTION 23. 13-52-102 (1) and (2) (b), Colorado Revised Statutes, are amended to read:

13-52-102. Property subject to execution - lien - real estate. (1) All goods and chattels, lands, tenements, and real estate of every person against whom any judgment is obtained in any court of record, either at law or in equity, for any debt, damages, costs, or other sum of money are liable to be sold on execution to be issued upon such judgment. The transcript of the docket entry of any judgment in the judgment docket, certified by the clerk, may be filed with the recorder of any county; and from the time of filing such transcript the judgment shall become a lien upon all the real property of such judgment debtor, not exempt from execution in such county, owned by ~~him~~ SUCH JUDGMENT DEBTOR or which ~~he~~ SUCH JUDGMENT DEBTOR may afterwards acquire until said lien expires. The lien shall continue for six years from the entry of judgment unless the judgment is previously satisfied. If the underlying judgment is a judgment for child support or maintenance or arrears thereof or child support debt, OR FOR RESTITUTION, the lien shall remain in effect for the life of the judgment without the necessity of renewal every six years. Upon satisfaction of the judgment for child support or maintenance or arrears thereof or child support debt OR RESTITUTION, the delegate child support enforcement unit, or the party filing the lien, shall promptly file a satisfaction of the lien with the recorder of such county.

(2) (b) (I) With respect to judgments entered in county courts on or after July 1, 1981, the time limitation within which execution may issue is six years from the entry thereof, but not afterwards, unless revived as provided by law, and, after six years from the entry of final judgment in any county court of this state, the judgment shall be considered as satisfied in full, unless so revived.

(II) THE TWENTY YEAR LIMITATION CONTAINED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL NOT APPLY TO JUDGMENTS ENTERED FOR RESTITUTION PURSUANT TO ARTICLE 18.5 OF TITLE 16, C.R.S. EXECUTION MAY ISSUE ON JUDGMENTS FOR RESTITUTION AT ANY TIME UNTIL PAID IN FULL; EXCEPT THAT THE LIEN CREATED BY THE RECORDING OF A TRANSCRIPT OF THE ORDER FOR RESTITUTION PURSUANT TO SECTION 16-18.5-104 (5) (a), C.R.S., SHALL BE VALID FOR A PERIOD OF

TWENTY YEARS FROM RECORDING UNLESS A SUBSEQUENT TRANSCRIPT IS RECORDED PURSUANT TO SECTION 16-18.5-104 (5) (a) (II) (A), C.R.S.

SECTION 24. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the judicial collection enhancement fund created in section 16-11-101.6 (2), Colorado Revised Statutes, not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2000, the sum of two hundred fifty-one thousand nine hundred seventy-seven dollars (\$251,977) and 6.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 2000, the sum of seventy-two thousand two hundred fifteen dollars (\$72,215) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by seventy-two thousand two hundred fifteen dollars (\$72,215).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by seventy-two thousand two hundred fifteen dollars (\$72,215).

SECTION 25. Effective date - applicability. (1) This act shall take effect September 1, 2000, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to orders for convictions entered on or after the applicable effective date of this act and delinquencies of orders existing on or after said date.

Approved: May 26, 2000