

CHAPTER 258

**COURTS**

**SENATE BILL 02-018**

BY SENATOR(S) Linkhart, Anderson, Chlouber, Gordon, Hagedorn, Hanna, Hernandez, Isgar, Pascoe, Reeves, Tate, Tupa, and Windels;  
also REPRESENTATIVE(S) Hefley, Alexander, Boyd, Groff, Grossman, Harvey, Lawrence, Mace, Madden, Miller, Rhodes, Romanoff, Spence, Stafford, and Williams S.

**AN ACT**

**CONCERNING THE CONTINUED FUNDING OF THE DEMONSTRATION DRUG COURTS THROUGH THE INCREASE OF PROBATION SUPERVISION FEES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 16-7-403.7 (5), Colorado Revised Statutes, is amended to read:

**16-7-403.7. Deferred sentencing - drug offenders - legislative declaration - demonstration program - repeal.** (5) For fiscal years commencing July 1, 2001, 2002, and for fiscal years thereafter, the demonstration program in any judicial district shall ~~only continue if moneys for such program are contained in the plan, submitted pursuant to section 16-11.5-102 (3), for the allocation of moneys from the drug offender surcharge fund~~ CONTINUE FROM FUNDS APPROPRIATED FROM THE OFFENDER SERVICES FUND DESCRIBED IN SECTION 16-11-214 (1).

**SECTION 2.** 16-11-204 (2) (a) (V), Colorado Revised Statutes, is amended to read:

**16-11-204. Conditions of probation.** (2) (a) When granting probation, the court may, as a condition of probation, require that the defendant:

(V) Pay reasonable costs of the court proceedings or costs of supervision of probation, or both. The probation supervision fee shall be ~~thirty-five~~ FORTY-FIVE dollars per month for the length of ordered probation. Notwithstanding the amount specified in this subparagraph (V), the court may lower the costs of supervision of probation to an amount the defendant will be able to pay. The court shall fix the

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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.*

manner of performance for payment of the fee. If the defendant receives probation services from a private provider, the court shall order the defendant to pay the probation supervision fee directly to the provider. The fee shall be imposed for the length of ordered probation.

**SECTION 3.** 16-11-214 (1), Colorado Revised Statutes, is amended to read:

**16-11-214. Fund created - probation services.** (1) There is hereby created in the state treasury the offender services fund to which shall be credited one hundred percent of any cost of care payments or probation supervision fees paid to the state pursuant to section 16-11-204 (2) (a) (V) or section 19-2-114 (1), C.R.S., and from which the general assembly shall make annual appropriations for administrative and personnel costs for adult and juvenile probation services as well as for adjunct adult and juvenile probation services in the judicial department, including treatment services, contract services, drug and alcohol treatment services, and program development, and for associated administrative and personnel costs. THE GENERAL ASSEMBLY ALSO SHALL MAKE ANNUAL APPROPRIATIONS FROM THE OFFENDER SERVICES FUND TO CONTINUE THE DEMONSTRATION DRUG COURT PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF SECTION 16-7-403.7 (5). Any moneys remaining in said fund at the end of any fiscal year shall not revert to the general fund.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the offender services fund created in section 16-11-214, Colorado Revised Statutes, not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2002, the sum of seven hundred twenty-nine thousand three hundred ninety-nine dollars (\$729,399) and 5.8 FTE, or so much thereof as may be necessary, for the implementation of the demonstration drug court program pursuant to section 16-7-403.7, Colorado Revised Statutes. Of this amount, sixty-three thousand three hundred ninety dollars (\$63,390) and 1.6 FTE shall be for the public defender.

**SECTION 5. Effective date - applicability.** This act shall take effect July 1, 2002, and shall apply to offenses committed on or after said date.

**SECTION 6. 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 1, 2002