

CHAPTER 255

CORRECTIONS

SENATE BILL 03-141

BY SENATOR(S) Tapia, Entz, Grossman, Jones, Kester, Sandoval, Taylor, and Groff;
also REPRESENTATIVE(S) Salazar, Vigil, Butcher, McFadyen, Paccione, Spradley, and Williams S.

AN ACT

CONCERNING PERSONS CONVICTED OF A CRIME, AND, IN CONNECTION THEREWITH, WAIVING CERTAIN FEES, ESTABLISHING REIMBURSEMENT RATES FOR MEDICAL CARE, AND AUTHORIZING MEDICAL CARE AT STATE HOSPITALS.

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

SECTION 1. 18-1.3-701 (1), Colorado Revised Statutes, is amended to read:

18-1.3-701. 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 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 18-1.3-401. Such judgments shall be enforceable in the same manner as are civil judgments, and, in addition, the provisions of section 16-11-101.6, C.R.S., and section 18-1.3-702 apply. A COUNTY CLERK AND RECORDER MAY NOT CHARGE A FEE FOR THE RECORDING OF A TRANSCRIPT OR SATISFACTION OF A JUDGMENT ENTERED PURSUANT TO THIS SECTION. 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 2. 13-32-104 (1) (g), Colorado Revised Statutes, is amended to read:

13-32-104. Additional fees of clerks of courts. (1) In addition to the fees provided in sections 13-32-101, 13-32-103, and 13-32-105 (1), the following fees

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

shall be paid to the clerk of the court by the party ordering the same:

(g) For preparing and issuing a transcript of judgment, a fee of ten dollars; EXCEPT THAT THIS FEE SHALL NOT BE CHARGED FOR A JUDGMENT ENTERED PURSUANT TO SECTION 18-1.3-701, C.R.S.;

SECTION 3. 17-26-104.5, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

17-26-104.5. Medical visits - charge to persons in custody - provider charges - state hospitals. (1.3) A PROVIDER OF MEDICAL CARE THAT RECEIVES ANY STATE MONEY, INCLUDING BUT NOT LIMITED TO PROVIDERS THAT RECEIVE MONEY FROM THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED IN ARTICLE 4 OF TITLE 26, C.R.S., OR THE PROGRAM FOR THE MEDICALLY INDIGENT ESTABLISHED IN ARTICLE 15 OF TITLE 26, C.R.S., SHALL CHARGE A COUNTY FOR MEDICAL CARE PROVIDED TO A PERSON IN CUSTODY IN A COUNTY JAIL:

(a) AT THE SAME RATE THAT THE PROVIDER IS REIMBURSED FOR SUCH SERVICES BY THE MEDICAL ASSISTANCE PROGRAM; OR

(b) IF THE PROVIDER IS NOT REIMBURSED BY THE MEDICAL ASSISTANCE PROGRAM, AT THE HIGHEST RATE THAT THE PROVIDER IS REIMBURSED IN WHOLE OR IN PART WITH STATE MONEYS IN ANY OTHER PROGRAM.

(1.5) (a) IF ECONOMICAL, A COUNTY SHERIFF MAY TRANSPORT A PERSON HELD IN CUSTODY IN A COUNTY JAIL TO THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO FOR MEDICAL TREATMENT. WITHIN THE BED AND MEDICAL CAPACITY OF THE FACILITY, THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO SHALL PROVIDE MEDICAL CARE TO A PERSON HELD IN CUSTODY IN A COUNTY JAIL. THE COUNTY IN WHICH THE PERSON WAS HELD SHALL BE RESPONSIBLE FOR THE PAYMENT TO THE HOSPITAL FOR MEDICAL COSTS INCURRED BY A PERSON IN CUSTODY, BUT, IF SUCH COSTS ARE NOT REPAID TO THE COUNTY BY THE PERSON IN CUSTODY, SUCH COSTS CONSTITUTE A MEDICAL TREATMENT CHARGE THAT MAY BE COLLECTED AS PROVIDED FOR IN SUBSECTION (1) OF THIS SECTION.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1.5), THE MENTAL HEALTH INSTITUTE AT PUEBLO SHALL CHARGE A COUNTY THE ACTUAL COSTS OF THE MEDICAL CARE PROVIDED TO A PERSON HELD IN CUSTODY. THE CHARGES SHALL COVER THE FULL DIRECT AND INDIRECT COSTS OF THE CARE PROVIDED AS DETERMINED BY GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. THE GENERAL ASSEMBLY SHALL INCLUDE WITHIN THE APPROPRIATION FOR THE GENERAL MEDICAL DIVISION OF THE INSTITUTE AN AMOUNT EQUAL TO THE ESTIMATED REIMBURSEMENTS TO BE RECEIVED FROM COUNTIES PURSUANT TO THIS PARAGRAPH (b).

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of 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; except that, if 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.

Approved: May 14, 2003