

## CHAPTER 358

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**CHILDREN AND DOMESTIC MATTERS**


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**HOUSE BILL 06-1058**

BY REPRESENTATIVE(S) Pommer, and Green;  
also SENATOR(S) Williams, Boyd, Entz, and May R.

**AN ACT**

**CONCERNING CREATION OF A SURCHARGE TO BE PAID BY PERSONS CONVICTED OF CERTAIN CRIMES AGAINST CHILDREN, AND MAKING AN APPROPRIATION THEREWITH.**

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

**SECTION 1.** Title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 24**  
**Crimes Against Children Surcharge**

**18-24-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CONVICTED" AND "CONVICTION" MEAN A PLEA OF GUILTY ACCEPTED BY THE COURT, INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED SENTENCE UNDER SECTION 18-1.3-102, A VERDICT OF GUILTY BY A JUDGE OR JURY, OR A PLEA OF NO CONTEST ACCEPTED BY THE COURT.

(2) "CRIME AGAINST A CHILD" MEANS ANY OFFENSE LISTED IN SECTION 18-3-411, OR CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT ANY OF THOSE OFFENSES, AND ANY OF THE FOLLOWING OFFENSES, OR CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT ANY OF THE FOLLOWING OFFENSES:

- (a) INCEST, IN VIOLATION OF SECTION 18-6-301;
- (b) CHILD ABUSE, IN VIOLATION OF SECTION 18-6-401; OR
- (c) CONTRIBUTING TO THE DELINQUENCY OF A MINOR, IN VIOLATION OF SECTION

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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.*

18-6-701.

**18-24-102. Surcharge.** (1) EACH PERSON WHO IS CONVICTED OF A CRIME AGAINST A CHILD SHALL BE REQUIRED TO PAY A SURCHARGE TO THE CLERK OF THE COURT FOR THE JUDICIAL DISTRICT IN WHICH THE CONVICTION OCCURS.

(2) SURCHARGES PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE IN THE FOLLOWING AMOUNTS:

(a) FOR EACH CLASS 2 FELONY OF WHICH A PERSON IS CONVICTED, ONE THOUSAND FIVE HUNDRED DOLLARS;

(b) FOR EACH CLASS 3 FELONY OF WHICH A PERSON IS CONVICTED, ONE THOUSAND DOLLARS;

(c) FOR EACH CLASS 4 FELONY OF WHICH A PERSON IS CONVICTED, FIVE HUNDRED DOLLARS;

(d) FOR EACH CLASS 5 FELONY OF WHICH A PERSON IS CONVICTED, THREE HUNDRED SEVENTY-FIVE DOLLARS;

(e) FOR EACH CLASS 6 FELONY OF WHICH A PERSON IS CONVICTED, TWO HUNDRED FIFTY DOLLARS;

(f) FOR EACH CLASS 1 MISDEMEANOR OF WHICH A PERSON IS CONVICTED, TWO HUNDRED DOLLARS;

(g) FOR EACH CLASS 2 MISDEMEANOR OF WHICH A PERSON IS CONVICTED, ONE HUNDRED FIFTY DOLLARS; AND

(h) FOR EACH CLASS 3 MISDEMEANOR OF WHICH A PERSON IS CONVICTED, SEVENTY-FIVE DOLLARS.

**18-24-103. Collection and distribution of funds - child abuse investigation surcharge fund - creation.** (1) THE CLERK OF THE COURT SHALL ALLOCATE THE SURCHARGE REQUIRED BY SECTION 18-24-102 AS FOLLOWS:

(a) FIVE PERCENT SHALL BE RETAINED BY THE CLERK OF THE COURT FOR ADMINISTRATIVE COSTS INCURRED PURSUANT TO THIS SUBSECTION (1). SUCH AMOUNT RETAINED SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5), C.R.S., AND

(b) NINETY-FIVE PERCENT SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CHILD ABUSE INVESTIGATION SURCHARGE FUND CREATED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(2) THERE IS HEREBY CREATED IN THE STATE TREASURY THE CHILD ABUSE INVESTIGATION SURCHARGE FUND THAT SHALL CONSIST OF MONEYS RECEIVED BY THE STATE TREASURER PURSUANT TO THIS SECTION. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE

DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF SUPPORTING TRAINING AND ENHANCED SERVICES IN PROGRAMS THAT COORDINATE A MULTIDISCIPLINARY TEAM RESPONSE FOR CHILD SEXUAL ABUSE INTERVENTION IN A CHILD-FRIENDLY, CHILD-APPROPRIATE FACILITY, SPECIFICALLY INCLUDING: FORENSIC INTERVIEWS, THERAPEUTIC INTERVENTION, MEDICAL EVALUATIONS, VICTIM ADVOCACY, CASE TRACKING, AND CASE REVIEW. IN ORDER TO RECEIVE SAID FUNDS, PROGRAMS MUST PROVIDE ALL OF THE AFOREMENTIONED SERVICES AND HAVE A SIGNED INTERAGENCY AGREEMENT AND PROTOCOL WITH LAW ENFORCEMENT AGENCIES, THE DISTRICT ATTORNEY'S OFFICE, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, AND THE COUNTY DEPARTMENT OF HUMAN SERVICES IN THE JURISDICTION WHERE THE PROGRAM IS OPERATING. THE PROGRAMS MUST MEET THE NATIONAL PERFORMANCE STANDARDS OF A NATIONAL ACCREDITING BODY. THE DIVISION OF CRIMINAL JUSTICE SHALL NOT EXPEND ANY FUND UNTIL THE FUND HAS ENOUGH MONEY TO PAY THE EXPENSES NECESSARY TO ADMINISTER THE FUND. FUNDS MAY BE DISTRIBUTED THROUGH THE STATE CHAPTER OF THE MULTIDISCIPLINARY PROGRAMS. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS NOT APPROPRIATED BY THE GENERAL ASSEMBLY SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

(3) THE COURT MAY WAIVE ALL OR ANY PORTION OF THE SURCHARGE REQUIRED BY SECTION 18-24-102 IF THE COURT FINDS THAT A PERSON CONVICTED OF A CRIME AGAINST A CHILD IS INDIGENT OR FINANCIALLY UNABLE TO PAY ALL OR ANY PORTION OF THE SURCHARGE. THE COURT MAY WAIVE ONLY THAT PORTION OF THE SURCHARGE THAT THE COURT FINDS THAT THE PERSON CONVICTED OF A CRIME AGAINST A CHILD IS FINANCIALLY UNABLE TO PAY.

**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the child abuse investigation surcharge fund, created in section 18-24-103 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2006, the sum of one hundred eighty-seven thousand dollars (\$187,000) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 3. Effective date - applicability.** This act shall take effect July 1, 2006, and shall apply to offenses committed on or after said date.

**SECTION 4. 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 7, 2006