

## CHAPTER 178

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**CRIMINAL LAW AND PROCEDURE**

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## HOUSE BILL 10-1265

BY REPRESENTATIVE(S) Vigil, Apuan, Casso, Court, Fischer, Frangas, Kefalas, Labuda, Loooper, Merrifield, Pace, Carroll T.;  
also SENATOR(S) Newell, Boyd, Hudak, Steadman.

**AN ACT**

**CONCERNING A COURT'S AUTHORITY TO WAIVE CERTAIN CHARGES LEVIED AGAINST INDIGENT DEFENDANTS.**

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

**SECTION 1.** 24-4.1-119 (1) (f) (II), Colorado Revised Statutes, is amended, and the said 24-4.1-119 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-4.1-119. Costs and surcharges levied on criminal actions and traffic offenses.** (1) (f) (II) All calculated surcharge amounts pursuant to this paragraph (f) resulting in dollars and cents shall be rounded down to the nearest whole dollar. ~~A surcharge levied pursuant to this paragraph (f) may not be suspended or waived by the court unless the court determines that the defendant against whom the surcharge is levied is indigent.~~

(1.5) A COST OR SURCHARGE LEVIED PURSUANT TO THIS SECTION MAY NOT BE SUSPENDED OR WAIVED BY THE COURT UNLESS THE COURT DETERMINES THAT THE DEFENDANT AGAINST WHOM THE COST OR SURCHARGE IS LEVIED IS INDIGENT.

**SECTION 2. 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: April 29, 2010

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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.*