

CHAPTER 178

COURTS

HOUSE BILL 11-1076

BY REPRESENTATIVE(S) Riesberg, Kagan, Labuda, Schafer S., Wilson, Fields, Gerou;
also SENATOR(S) Roberts, Bacon, Jahn, King S., Steadman.

AN ACT**CONCERNING TIME PAYMENT FEES IN JUDICIAL MATTERS.**

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

SECTION 1. 16-11-101.6 (1) and (2), Colorado Revised Statutes, are amended to read:

16-11-101.6. Collection of fines and fees - methods - charges - judicial collection enhancement fund. (1) If the defendant IS ASSESSED ANY FINES, FEES, COSTS, SURCHARGES, OR OTHER MONETARY ASSESSMENTS WITH REGARD TO THE SENTENCING, DISPOSITION, OR ADJUDICATION OF A FELONY, MISDEMEANOR, JUVENILE DELINQUENCY PETITION, PETTY OFFENSE, TRAFFIC OFFENSE, OR TRAFFIC INFRACTION AND does not pay all amounts assessed ~~at the time that an order for payment of a fine or costs under section 18-1.3-701, C.R.S., is entered,~~ IN FULL ON THE DATE OF THE ASSESSMENT, the defendant shall pay to the clerk of the court an additional time payment fee of twenty-five dollars. ~~Such~~ THE time payment fee may be assessed once per case; EXCEPT THAT, IF AMOUNTS OWED IN THE CASE HAVE STILL NOT BEEN PAID IN FULL ONE YEAR AFTER THE DATE OF THE ASSESSMENT, SAID FEE SHALL BE ASSESSED ANNUALLY UNTIL THE DEFENDANT HAS FULLY SATISFIED HIS OR HER FINANCIAL OBLIGATION IN THE CASE. In addition, there may be assessed against a defendant a late penalty fee of ten dollars each time a payment ~~of a fine or fee~~ TOWARD THE FINES, FEES, COSTS, SURCHARGES, OR OTHER AMOUNTS OWED 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 the time payment and any late penalty fees assessed under this subsection (1), then against any fines, and finally against any costs.

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

(2) All time payment fees and late penalty fees collected shall be credited to the judicial collection enhancement fund, which fund is hereby created in the state treasury. IN ADDITION, REASONABLE COSTS INCURRED AND COLLECTED BY THE STATE SHALL BE CREDITED TO THE FUND. The general assembly shall make annual appropriations ~~out of such~~ FROM THE fund to the judicial department for administrative and personnel costs incurred in collecting restitution, fines, ~~and~~ COSTS, fees, AND OTHER MONETARY ASSESSMENTS. At the end of any fiscal year, all unexpended and unencumbered moneys AND ANY INTEREST SHALL REMAIN in the fund, ~~shall be credited and transferred to the general fund~~ FOR APPROPRIATION TO THE JUDICIAL DEPARTMENT FOR ONGOING ENFORCEMENT AND COLLECTION OF RESTITUTION, FINES, FEES, COSTS, SURCHARGES, AND OTHER MONETARY ASSESSMENTS.

SECTION 2. 16-18.5-104 (2), Colorado Revised Statutes, is amended to read:

16-18.5-104. Initial collections investigation - payment schedule. (2) ~~Upon referral to a collections investigator, the defendant shall be charged a time payment fee of twenty-five dollars. Such~~ THE TIME PAYMENT FEE ESTABLISHED IN SECTION 16-11-101.6 SHALL BE ASSESSED AND THE ASSOCIATED PROVISIONS OF SECTION 16-11-101.6 SHALL APPLY TO CASES IN WHICH RESTITUTION IS NOT PAID IN FULL ON THE DATE THAT IT IS IMPOSED. THE 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). IN ADDITION, REASONABLE COSTS INCURRED AND COLLECTED BY THE STATE FOR RESTITUTION SHALL BE CREDITED TO THE FUND.

SECTION 3. 16-18.5-105 (2), Colorado Revised Statutes, is amended to read:

16-18.5-105. Monitoring - default - penalties. (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~~ THE LATE PENALTY FEE ESTABLISHED IN SECTION 16-11-101.6 SHALL BE ASSESSED AND THE ASSOCIATED PROVISIONS OF SECTION 16-11-101.6 MAY APPLY. THE 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).

SECTION 4. Effective date - applicability. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect July 1, 2011, and shall apply to fines, fees, costs, surcharges, or other monetary assessments imposed on or after said date.

(2) The provisions in section 16-11-101.6 (1), Colorado Revised Statutes, as amended in section 1 of this act, and section 3 of this act shall apply to fines, fees, costs, surcharges, or other monetary assessments that become delinquent on or after July 1, 2011.

SECTION 5. 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: May 19, 2011