SB055_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB18-055 be amended as follows:

1 Amend reengrossed bill, page 2, strike line 17 and substitute "(3); and
2 **add** (4) as follows:".

3 Page 2, line 22, after "surcharge." insert "THE COURT SHALL MAKE SUCH
4 A FINDING AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION.".

5 Page 3, line 7, strike "DEFENDANT OR DEFENDANT'S" and substitute
6 "OFFENDER OR OFFENDER'S".

7 Page 3, line 8, strike "DEFENDANT'S" and substitute "OFFENDER'S".

8 Page 3, after line 9 insert:

9 "(4) FOR PURPOSES OF DETERMINING WHETHER AN OFFENDER IS
10 INDIGENT OR FINANCIALLY UNABLE TO PAY ALL OR ANY PORTION OF THE
11 SURCHARGE, THE COURT SHALL REQUIRE THE OFFENDER OR THE
12 OFFENDER'S COUNSEL TO PROVIDE ALL NECESSARY DOCUMENTS THAT
13 SUBSTANTIATE THE OFFENDER'S CLAIM OF INDIGENCE OR INABILITY TO
14 PAY. SUCH DOCUMENTS MAY INCLUDE BUT ARE NOT LIMITED TO:
15 (a) A SWORN FINANCIAL STATEMENT;
16 (b) INCOME TAX RETURNS FROM THE PRECEDING THREE YEARS,
17 INCLUDING ALL ASSOCIATED SCHEDULES AND ATTACHMENTS;
18 (c) THE MOST RECENT ACCOUNT STATEMENTS FROM EACH BANK
19 OR OTHER FINANCIAL INSTITUTION AT WHICH THE OFFENDER IS A PARTY TO
20 AN ACCOUNT, WHICH STATEMENTS INDICATE THE CURRENT BALANCE OF
21 THE ACCOUNT;
22 (d) ANY DOCUMENT INDICATING AN OUTSTANDING PERSONAL
23 DEBT, INCLUDING BALANCE STATEMENTS AND PAYMENT TERMS;
24 (e) DOCUMENTATION OF EACH SOURCE OF INCOME OF THE
25 OFFENDER DURING THE CURRENT AND PRECEDING CALENDAR YEAR,
26 INCLUDING INCOME FROM EMPLOYMENT, INVESTMENTS, GOVERNMENT
27 PROGRAMS, GIFTS, DISTRIBUTIONS OF TRUST INCOME, AND PRIZES; AND
28 (f) THE MOST RECENT ACCOUNT STATEMENTS OR OTHER
29 DOCUMENTS IDENTIFYING EACH INVESTMENT OR INCOME-PRODUCING
30 ASSET IN WHICH THE OFFENDER HAS A PERSONAL OR BUSINESS INTEREST
31 AND STATING THE CURRENT VALUE OF THE INVESTMENT OR ASSET.".

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