Directive 85-31
Amended August, 2011

SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE

DIRECTIVE CONCERNING THE ASSESSMENT AND COLLECTION OF STATUTORY FINES, FEES, SURCHARGES, AND COSTS IN CRIMINAL, JUVENILE, TRAFFIC AND MISDEMEANOR CASES

Fines, fees, surcharges, and costs are statutorily mandated and provide a significant amount of funding for programs and services throughout the State. The assessment of these amounts shall be standard practice, regardless of the court level or location. Waiver or suspension of fines, fees, surcharges, and costs, shall be clearly indicated in the court records.

All statutorily mandated fines, fees, surcharges, and costs including, but not limited to, docket fees, alcohol evaluation costs, Victim Assistance and Victim Compensation surcharges, probation supervision fees, drug, sex offender and special advocate surcharges, shall be assessed by district, juvenile, and county court judges and magistrates. Amounts assessed shall not be waived or suspended unless authorized by statute or rule. If the statute or rule is silent as to the court's authority for waiver or suspension of the specific fine, fee, surcharge, or cost being considered, this CJD shall provide authority for the court to waive or suspend the imposition or collection of the amount only in those instances where the court finds the Defendant or Respondent has no ability to pay the assessed amount.

Fines, fees, surcharges, and costs shall not be waived or suspended except as permitted by law and only upon request of the Defendant, Respondent, collection investigator or probation officer. The court shall only grant a waiver or suspension after making a finding of financial inability to pay the assessment, based on a review of a financial affidavit or similar supporting documentation. The court shall record the order to waive or suspend required assessments. The court judicial assistant shall enter the required assessments and use the appropriate modifiers to document the order of the court to waive or suspend all or some of the amount assessed. All assessed statutory fines, fees, surcharges, and costs shall be collected by the court unless they are waived or suspended pursuant to the court's order.

The collection investigator may be utilized by the court to determine whether the assessed amounts can be paid based on a review of the Defendant or Respondent's financial position. The collection investigator shall make a recommendation to the court that certain amounts be waived or suspended if the Defendant or Respondent is unable to pay.

CJD 85-31 is amended and adopted on the date of the signing of the amended CJD.

Done at Denver, Colorado, this 19th day of August, 2011.

/s/
Michael L. Bender, Chief Justice