NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

SENATE BILL 02-140

BY SENATOR(S) Arnold, Chlouber, Dyer, Hernandez, and Windels;
also REPRESENTATIVE(S) Swenson, Cloer, Decker, Kester, and Romanoff.

CONCERNING THE COLLECTION BY THE DEPARTMENT OF CORRECTIONS OF CERTAIN MONEYS OWED BY INCARCERATED OFFENDERS.

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

SECTION 1. 16-18.5-106 (1), (2), and (4), Colorado Revised Statutes, are amended to read:

16-18.5-106. Restitution for persons sentenced to the department of corrections. (1) Whenever a person is sentenced to the department of corrections, the department of corrections is authorized to conduct an investigation into the financial circumstances of the defendant, as described in section 16-18.5-104 (3), for purposes of determining the defendant's ability to pay COURT ORDERED COSTS, SURCHARGES, restitution, TIME PAYMENT FEES, LATE FEES, AND OTHER FINES, FEES, OR SURCHARGES PURSUANT TO SECTION 16-18.5-110.

(2) During any period of time that a defendant is a state ~~prisoner~~ INMATE, as defined in section 17-1-102 (8), C.R.S., the executive director

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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.

of the department of corrections, or his or her designee, may fix the time and manner of payment ~~of restitution~~ FOR COURT ORDERED COSTS, SURCHARGES, RESTITUTION, TIME PAYMENT FEES, LATE FEES, AND ANY OTHER FINES, FEES, OR SURCHARGES PURSUANT TO SECTION 16-18.5-110 RESULTING FROM A CRIMINAL CASE OR FOR CHILD SUPPORT, and may direct that a portion of the deposits into such inmate's bank account be applied to any ~~unpaid restitution~~ OUTSTANDING BALANCE EXISTING BEFORE, ON, OR AFTER SEPTEMBER 1, 2000. At a minimum, the executive director shall order that twenty percent of all deposits into an inmate's bank account, including deposits for inmate pay shall be deducted and paid toward any outstanding order from a criminal case or for child support. If an inmate owes money on more than one order from a criminal case or for child support, the executive director may equitably apportion payments among the outstanding obligations.

(4) The department of corrections may enter into a memorandum of understanding with the judicial department or contract with a private collection agency for the collection of COURT ORDERED COSTS, SURCHARGES, restitution, TIME PAYMENT FEES, LATE FEES, AND ANY OTHER FINES, FEES, OR SURCHARGES PURSUANT TO SECTION 16-18.5-110 from defendants sentenced to the department of corrections or released on parole.

SECTION 2. Effective date - applicability. This act shall take effect upon passage and shall apply to existing court ordered costs, surcharges, restitution, time payment fees, late fees, and any other fines, fees, or surcharges pursuant to section 16-18.5-110 resulting from a criminal case or for child support that are outstanding on or after the date of passage.

SECTION 3. 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.

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Stan Matsunaka	Doug Dean
PRESIDENT OF	SPEAKER OF THE HOUSE
THE SENATE	OF REPRESENTATIVES

_____	_____
Karen Goldman	Judith Rodrigue
SECRETARY OF	CHIEF CLERK OF THE HOUSE
THE SENATE	OF REPRESENTATIVES

APPROVED_____

_____

Bill Owens

GOVERNOR OF THE STATE OF COLORADO