

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0455.01 Michael Dohr x4347

HOUSE BILL 15-1070

HOUSE SPONSORSHIP

Buckner,

SENATE SPONSORSHIP

Martinez Humenik,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CHANGES TO THE CRIME PROFITS DISTRIBUTION
102 STATUTE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law provides a mechanism for any profits that an offender may receive as a result of the crime to be available to victims as restitution. The bill makes changes to how the money is distributed.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 **SECTION 1.** In Colorado Revised Statutes, 24-4.1-201, **amend**
2 (1.5) (b) (I), (1.5) (c), and (1.5) (d) (II); and **add** (1.5) (b.5) as follows:

3 **24-4.1-201. Distribution of profits from crime - escrow**
4 **account - civil suit by victim - definitions.** (1.5) (b) (I) Any person who
5 contracts with a person convicted of a crime in this state, or such person's
6 representative or assignee, for payment of any profits from the crime of
7 which such person is convicted shall pay to the crime victim services
8 advisory board created in section 24-4.1-117.3 (1), referred to in this part
9 2 as the "board", any money that would otherwise by terms of the contract
10 be paid to the convicted person or such person's representatives or
11 assignees. The board shall ~~deposit the money in an escrow account for the~~
12 ~~benefit of any victim of the crime of which the person was convicted~~
13 DISTRIBUTE THE MONEY AS DESCRIBED IN PARAGRAPH (b.5) OF THIS
14 SUBSECTION (1.5).

15 (b.5) IF THERE IS A COURT ORDER OF RESTITUTION IN THE CRIMINAL
16 CASE RESULTING FROM THE CRIME THAT REMAINS UNPAID, ANY MONEY
17 RECEIVED UNDER PARAGRAPH (b) OF THIS SUBSECTION (1.5) MUST FIRST
18 BE APPLIED TO THAT ORDER OF RESTITUTION. IF THERE IS NO
19 OUTSTANDING BALANCE FROM AN ORDER OF RESTITUTION OR THERE
20 REMAINS ADDITIONAL MONEY, AND ALL VICTIMS ARE IDENTIFIED AND CAN
21 BE LOCATED, THE MONEY RECEIVED OR THE REMAINING PORTION MUST BE
22 APPORTIONED PRO RATA TO THE IDENTIFIED VICTIMS. FOR PURPOSES OF
23 THIS SECTION, "VICTIM" HAS THE SAME MEANING AS IN SECTION
24 24-4.1-302 (5). IF ALL VICTIMS ARE NOT KNOWN OR CANNOT BE LOCATED,
25 THE BOARD SHALL DEPOSIT THE REMAINING MONEY IN AN ESCROW
26 ACCOUNT FOR THE BENEFIT OF THE VICTIMS.

27 (c) UPON THE ESTABLISHMENT OF AN ESCROW ACCOUNT, any

1 person who is a victim of the crime from which a convicted person
2 receives profits under paragraph (b) of this subsection (1.5) may, within
3 ~~five~~ THREE years of establishment of the escrow account, enforce any
4 ~~order of restitution~~ JUDGMENT entered against the convicted person
5 against the ~~moneys~~ MONEY on deposit in the escrow account. If no ~~order~~
6 ~~of restitution~~ JUDGMENT has been entered, the victim may bring a civil
7 action in a court of competent jurisdiction to recover a judgment against
8 the convicted person or such person's representatives or designees. AFTER
9 ALL FILED CLAIMS ARE ESTABLISHED, THE BOARD SHALL DISTRIBUTE THE
10 MONEY IN THE ESCROW ACCOUNT TO SATISFY THE CLAIMS, OR SUCH
11 FRACTION OF EACH CLAIM AS CAN BE FULFILLED BY THE AVAILABLE
12 MONEY.

13 (d) (II) UNLESS ALL VICTIMS HAVE BEEN IDENTIFIED AND CAN BE
14 LOCATED, the board ~~in addition~~ shall publish at least once annually from
15 the date of the establishment of the escrow account, a notice of the
16 escrow account's establishment in a newspaper having general circulation
17 throughout the county in which the crime was committed. The expenses
18 of notification shall be paid from the amount received in the escrow
19 account. The board, in its discretion, may provide for such additional
20 notice as it deems necessary.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.