

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 10-0786.01 Brita Darling

HOUSE BILL 10-1265

HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

Newell,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING A COURT'S AUTHORITY TO WAIVE CERTAIN CHARGES**
102 **LEVIED AGAINST INDIGENT DEFENDANTS.**

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>.)

The bill clarifies that a court may suspend or waive surcharges and costs for victims and witness services that are levied against a defendant upon conviction of certain criminal actions and traffic offenses or infractions, if the court determines that the defendant is indigent.

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.

SENATE
2nd Reading Unamended
April 1, 2010

HOUSE
3rd Reading Unamended
March 3, 2010

HOUSE
2nd Reading Unamended
March 2, 2010

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

2 **SECTION 1.** 24-4.1-119 (1) (f) (II), Colorado Revised Statutes,
3 is amended, and the said 24-4.1-119 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **24-4.1-119. Costs and surcharges levied on criminal actions**
6 **and traffic offenses.** (1) (f) (II) All calculated surcharge amounts
7 pursuant to this paragraph (f) resulting in dollars and cents shall be
8 rounded down to the nearest whole dollar. ~~A surcharge levied pursuant~~
9 ~~to this paragraph (f) may not be suspended or waived by the court unless~~
10 ~~the court determines that the defendant against whom the surcharge is~~
11 ~~levied is indigent.~~

12 (1.5) A COST OR SURCHARGE LEVIED PURSUANT TO THIS SECTION
13 MAY NOT BE SUSPENDED OR WAIVED BY THE COURT UNLESS THE COURT
14 DETERMINES THAT THE DEFENDANT AGAINST WHOM THE COST OR
15 SURCHARGE IS LEVIED IS INDIGENT.

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