

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0386.01 Michael Dohr

HOUSE BILL 11-1076

HOUSE SPONSORSHIP

Riesberg,

SENATE SPONSORSHIP

(None),

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TIME PAYMENT FEES IN JUDICIAL MATTERS.**

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 imposes a time payment fee in judicial actions when the fees, costs, and fines are not paid in full on the date of assessment. The bill clarifies that the time payment fee and late fees apply to all criminal cases and traffic infractions. The time payment fee is reimposed annually if all costs, fees, and fines have not been paid in full.

The bill makes conforming amendments.

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

2 **SECTION 1.** 16-11-101.6(1) and (2), Colorado Revised Statutes,
3 are amended to read:

4 **16-11-101.6. Collection of fines and fees - methods - charges**
5 **- judicial collection enhancement fund.** (1) If the defendant IS
6 ASSESSED ANY FINES, FEES, COSTS, SURCHARGES, OR OTHER MONETARY
7 ASSESSMENTS WITH REGARD TO THE SENTENCING, DISPOSITION, OR
8 ADJUDICATION OF A FELONY, MISDEMEANOR, JUVENILE DELINQUENCY
9 PETITION, PETTY OFFENSE, TRAFFIC OFFENSE, OR TRAFFIC INFRACTION AND
10 does not pay all amounts assessed ~~at the time that an order for payment~~
11 ~~of a fine or costs under section 18-1.3-701, C.R.S., is entered;~~ IN FULL ON
12 THE DATE OF THE ASSESSMENT, the defendant shall pay to the clerk of the
13 court an additional time payment fee of twenty-five dollars. ~~Such~~ THE
14 time payment fee may be assessed once per case. ■ ■ In addition,
15 there may be assessed against a defendant a late penalty fee of ten dollars
16 each time a payment ~~of a fine or fee~~ TOWARD THE FINES, FEES, COSTS,
17 SURCHARGES, OR OTHER AMOUNTS OWED is not received on or before the
18 date due. If the court determines that the defendant does not have the
19 financial resources to pay a time payment fee or a late penalty fee, the
20 court may waive or suspend a time payment fee or a late penalty fee.
21 Amounts collected shall be credited first against the time payment and
22 any late penalty fees assessed under this subsection (1), then against any
23 fines, and finally against any costs.

24 (2) All time payment fees and late penalty fees collected shall be
25 credited to the judicial collection enhancement fund, which fund is hereby
26 created in the state treasury. IN ADDITION, REASONABLE COSTS INCURRED

1 AND COLLECTED BY THE STATE SHALL BE CREDITED TO THE FUND. The
2 general assembly shall make annual appropriations ~~out of such~~ FROM THE
3 fund to the judicial department for administrative and personnel costs
4 incurred in collecting restitution, fines, ~~and~~ COSTS, fees, AND OTHER
5 MONETARY ASSESSMENTS. At the end of any fiscal year, all unexpended
6 and unencumbered moneys AND ANY INTEREST SHALL REMAIN in the fund,
7 ~~shall be credited and transferred to the general fund~~ FOR APPROPRIATION
8 TO THE JUDICIAL DEPARTMENT FOR ONGOING ENFORCEMENT AND
9 COLLECTION OF RESTITUTION, FINES, FEES, COSTS, SURCHARGES, AND
10 OTHER MONETARY ASSESSMENTS.

11 **SECTION 2.** 16-18.5-104 (2), Colorado Revised Statutes, is
12 amended to read:

13 **16-18.5-104. Initial collections investigation - payment**
14 **schedule.** (2) ~~Upon referral to a collections investigator, the defendant~~
15 ~~shall be charged a time payment fee of twenty-five dollars. Such~~ THE
16 TIME PAYMENT FEE ESTABLISHED IN SECTION 16-11-101.6 SHALL BE
17 ASSESSED AND THE ASSOCIATED PROVISIONS OF SECTION 16-11-101.6
18 SHALL APPLY TO CASES IN WHICH RESTITUTION IS NOT PAID IN FULL ON THE
19 DATE THAT IT IS IMPOSED. THE fee shall be collected from the defendant
20 after the defendant has satisfied all orders for restitution. All payments
21 for the time payment fee shall be credited to the judicial collection
22 enhancement fund created in 16-11-101.6 (2). IN ADDITION, REASONABLE
23 COSTS INCURRED AND COLLECTED BY THE STATE FOR RESTITUTION SHALL
24 BE CREDITED TO THE FUND.

25 **SECTION 3.** 16-18.5-105 (2), Colorado Revised Statutes, is
26 amended to read:

27 **16-18.5-105. Monitoring - default - penalties.** (2) In addition

1 to any other costs that may accrue, for each payment of restitution that a
2 defendant fails to make within five days after the date that the payment
3 is due pursuant to any payment schedule established pursuant to this
4 article, ~~the defendant shall be charged a late fee of ten dollars. Such~~ THE
5 LATE PENALTY FEE ESTABLISHED IN SECTION 16-11-101.6 SHALL BE
6 ASSESSED AND THE ASSOCIATED PROVISIONS OF SECTION 16-11-101.6 MAY
7 APPLY. THE late fees shall be collected from the defendant after the
8 defendant has satisfied all orders for restitution. All payments for late
9 fees shall be credited to the judicial collection enhancement fund created
10 in section 16-11-101.6 (2).

11 **SECTION 4. Effective date - applicability.** (1) Except as
12 otherwise provided in subsection (2) of this section, this act shall take
13 effect July 1, 2011, and shall apply to fines, fees, costs, surcharges, or
14 other monetary assessments imposed on or after said date.

15 (2) The provisions in section 16-11-101.6 (1), Colorado Revised
16 Statutes, as amended in section 1 of this act, and section 3 of this act shall
17 apply to fines, fees, costs, surcharges, or other monetary assessments that
18 become delinquent on or after July 1, 2011.

19 **SECTION 5. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.