

SB065_L.009

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB16-065 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 18-1.3-603, amend
4 (4) (a), (4) (b) introductory portion, and (4) (b) (I); and add (4) (e) as
5 follows:

6 **18-1.3-603. Assessment of restitution - corrective orders.**
7 (4) (a) (I) Any order for restitution entered pursuant to this section shall
8 ~~be~~ IS a final civil judgment in favor of the state and any victim.
9 Notwithstanding any other civil or criminal statute or rule, any such
10 judgment ~~shall remain~~ REMAINS in force until the restitution is paid in
11 full. The provisions of article 18.5 of title 16, C.R.S., apply
12 notwithstanding the termination of a deferred judgment and sentence or
13 a deferred adjudication.

14 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
15 THIS PARAGRAPH (a), TWO YEARS AFTER THE PRESENTATION OF THE
16 DEFENDANT'S ORIGINAL DEATH CERTIFICATE TO THE CLERK OF THE COURT
17 OR THE COURT COLLECTIONS INVESTIGATOR, THE COURT MAY TERMINATE
18 THE REMAINING BALANCE OF THE JUDGMENT AND ORDER FOR RESTITUTION
19 IF, FOLLOWING NOTICE BY THE CLERK OF THE COURT OR THE COURT
20 COLLECTIONS INVESTIGATOR TO THE DISTRICT ATTORNEY, THE DISTRICT
21 ATTORNEY DOES NOT OBJECT AND THERE IS NO EVIDENCE OF A
22 CONTINUING SOURCE OF INCOME OF THE DEFENDANT TO PAY RESTITUTION.
23 THE TERMINATION OF A JUDGMENT AND ORDER PURSUANT TO THIS
24 SUBPARAGRAPH (II) DOES NOT TERMINATE AN ASSOCIATED JUDGMENT
25 AGAINST A DEFENDANT WHO IS JOINTLY AND SEVERALLY LIABLE WITH THE
26 DECEASED DEFENDANT.

27 (b) Any order for restitution made pursuant to this section shall IS
28 also ~~be deemed to~~ AN order that:

29 (I) The defendant owes SIMPLE interest from the date of the entry
30 of the order at the rate of ~~twelve~~ EIGHT percent per annum; and

31 (e) THE CLERK OF THE COURT IS AUTHORIZED TO ADJUST THE
32 UNPAID BALANCE IN THE CASE UPON PROOF THAT ANY RESTITUTION OR
33 RELATED INTEREST AMOUNTS HAVE BEEN OR WILL BE SATISFIED OUTSIDE
34 OF THE COURT REGISTRY AND RECEIPTING PROCESS REGARDLESS OF WHEN
35 THE RESTITUTION ORDER AND JUDGMENT WERE ENTERED. THE
36 ACCOUNTING ADJUSTMENT DOES NOT MODIFY A COURT'S ORDER.

37 **SECTION 2.** In Colorado Revised Statutes, 42-2-125, **repeal**



1 (2.8) as follows:

2 ~~42-2-125: Mandatory revocation of license and permit. (2.8) A~~
3 ~~person whose license has been revoked pursuant to paragraph (o) of~~
4 ~~subsection (1) of this section shall not be eligible for reinstatement of his~~
5 ~~or her license until the department receives proof that the person has~~
6 ~~satisfied any order for restitution entered in connection with the~~
7 ~~conviction.~~

8 **SECTION 3. Effective date - applicability.** This act takes effect
9 July 1, 2016, and applies to orders entered on or after said date.

10 **SECTION 4. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety."

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