

# An Act

SENATE BILL 24-120

BY SENATOR(S) Fields, Bridges, Buckner, Cutter, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Lundeen, Marchman, Michaelson Jenet, Mullica, Priola, Winter F.;  
also REPRESENTATIVE(S) Bird, Boesenecker, Bradley, Clifford, Duran, Froelich, Hamrick, Jodeh, Lindsay, Mauro, Snyder, Titone, Vigil, Weissman.

CONCERNING UPDATES TO THE "CRIME VICTIM COMPENSATION ACT".

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

**SECTION 1.** In Colorado Revised Statutes, 24-4.1-102, **amend** (1), (4)(a)(I), (4)(b), (5)(b), (7.5), (8.5)(b), (9), (10)(a), (10)(b), and (10)(c); and **add** (9.5) as follows:

**24-4.1-102. Definitions.** As used in this part 1, unless the context otherwise requires:

(1) "Applicant" means any victim of a compensable crime who applies to the fund for compensation under this part 1. In the case of such A victim's death, the term includes any person who was ~~his~~ THE VICTIM'S dependent at the time of the death of that victim.

---

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**SECTION 3.** In Colorado Revised Statutes, amend 24-4.1-104 as follows:

**24-4.1-104. District attorney to assist board.** The district attorney and ~~his~~ THE DISTRICT ATTORNEY'S legal and administrative staff shall assist the board in the performance of its duties pursuant to this part 1.

**SECTION 4.** In Colorado Revised Statutes, 24-4.1-105, amend (1) and (3) as follows:

**24-4.1-105. Application for compensation.** (1) A person who may be eligible for compensation under this part 1 may apply to the board in the judicial district in which the crime was committed. In a case in which the person entitled to apply is a minor, the application may be made on ~~his~~ THE MINOR'S behalf by ~~his~~ THE MINOR'S parent or guardian. In a case in which the person entitled to apply is mentally incompetent, the application may be made on ~~his~~ THE PERSON'S behalf by ~~his~~ THE PERSON'S parent, conservator, or guardian or by any other individual authorized to administer ~~his~~ THE PERSON'S estate.

(3) If the applicant makes any false statement as to a material fact, ~~he shall be~~ THE APPLICANT IS ineligible for ~~an award~~ APPROVAL pursuant to this part 1.

**SECTION 5.** In Colorado Revised Statutes, 24-4.1-108, amend (1) introductory portion, (1)(b), (1)(c), (1)(e), (1)(f), (1.5) introductory portion, (1.5)(c), (1.5)(d), (3), and (4) as follows:

**24-4.1-108. Approving compensation.** (1) A person is entitled to ~~an award~~ APPROVAL of compensation under this part 1 if:

(b) The appropriate law enforcement officials were notified of the perpetration of the crime allegedly causing the death of or injury to the victim. ~~within seventy-two hours after its perpetration, unless the board finds good cause exists for the failure of notification;~~ THE REQUIREMENT TO NOTIFY THE APPROPRIATE LAW ENFORCEMENT OFFICIALS REQUIRED BY THIS SUBSECTION (1)(b) IS SATISFIED IF, AS THE RESULT OF THE COMPENSABLE CRIME THAT THE APPLICATION IS BEING SUBMITTED FOR, THE VICTIM OR APPLICANT PROVIDES DOCUMENTATION THAT A FORENSIC EXAMINATION WAS CONDUCTED BY A LICENSED OR REGISTERED NURSE OR MEDICAL

PROVIDER.

(c) The applicant has cooperated ~~fully~~ REASONABLY with law enforcement officials in the apprehension and prosecution of the assailant, or the board has found good cause exists for the failure to cooperate, or, if the applicant is a victim of assault by strangulation, the applicant cooperates with law enforcement by undergoing a medical forensic examination;

(e) The death of or injury to the victim was not substantially attributable to ~~his~~ THE VICTIM'S wrongful act or substantial provocation of ~~his~~ THE VICTIM'S assailant; and

(f) The application for ~~an award~~ APPROVAL of compensation under this part 1 is filed with the board. ~~within one year of the date of injury to the victim or within such further extension of time as the board, for good cause shown, allows. For purposes of this paragraph (f), "good cause" may include but is not limited to circumstances in which a crime has remained unsolved for more than one year.~~

(1.5) A person is entitled to ~~an award~~ APPROVAL of compensation for property damage under this part 1 if:

(c) The applicant has cooperated ~~fully~~ REASONABLY with law enforcement officials in the apprehension and prosecution of the assailant or the board has found THAT good cause exists for the failure to cooperate; and

(d) The application for ~~an award~~ APPROVAL of compensation for property damage under this part 1 is filed with the board within six months of the date of property damage or within such further extension of time as the board, for good cause shown, allows.

(3) Upon a finding by the board that compensation should be ~~awarded~~; APPROVED, the board shall submit a ~~statement of award~~ PAYMENT REQUEST to the court ~~administrator~~ EXECUTIVE, who shall remit payment in accordance with the ~~statement of award~~ PAYMENT REQUEST.

(4) Consistent with approved standards established pursuant to section 24-4.1-117.3 (3) for the administration of crime victim compensation funds, the board may develop policies to ensure that ~~primary~~

victims are compensated and to ensure that available ~~moneys~~ MONEY in the fund ~~are~~ IS not exceeded.

**SECTION 6.** In Colorado Revised Statutes, 24-4.1-109, **amend** (1)(e), (1.5)(a), (2)(a), and (2)(b); **repeal** (1)(c) and (1)(d); and **add** (1)(d.5), (1)(i), (1)(j), (1)(k), (1)(l), and (2)(d) as follows:

**24-4.1-109. Losses compensable.** (1) Losses compensable under this part 1 resulting from death of or injury to a victim include:

(c) ~~Outpatient care;~~

(d) ~~Homemaker and home health services;~~

(d.5) REPLACEMENT SERVICES LOSSES;

(e) FUNERAL AND burial expenses;

(i) REASONABLE TRAVEL EXPENSES FOR A VICTIM RELATED TO FUNERAL, BURIAL, MEDICAL CARE, OR MENTAL HEALTH COUNSELING;

(j) REASONABLE TRAVEL EXPENSES FOR A VICTIM RELATED TO ATTENDING CRITICAL EVENTS PURSUANT TO SECTION 24-4.1-302 (2), EXCEPT WHEN THE PRIMARY OR SECONDARY VICTIM IS SUBPOENAED TO TESTIFY;

(k) DEPENDENT CARE SERVICES; AND

(l) REASONABLE RELOCATION EXPENSES FOR A VICTIM TO RELOCATE AS NECESSARY TO ENSURE THE VICTIM'S SAFETY.

(1.5) (a) Losses compensable under this part 1 resulting from property damage include:

(I) (A) Repair or replacement of RESIDENTIAL property damaged as a result of a compensable crime; or

(B) Payment of the deductible amount on a residential OR MOTOR VEHICLE insurance policy;

(II) Any modification to the victim's residence that is necessary to

ensure victim safety; and

(III) The rekeying of a motor vehicle or other lock that is necessary to ensure the victim's safety;

(IV) TOWING OR IMPOUND FEES FOR A MOTOR VEHICLE THAT LAW ENFORCEMENT DETERMINES TO BE WHERE A COMPENSABLE CRIME WAS COMMITTED; AND

(V) REPAIR OR REPLACEMENT OF DENTURES, EYEGLASSES, HEARING AIDS, OR OTHER PROSTHETIC OR MEDICALLY NECESSARY DEVICES DAMAGED OR STOLEN AS A RESULT OF A COMPENSABLE CRIME.

(2) Compensable losses do not include:

(a) Pain and suffering or property damage ~~other than residential property damage or rekeying a lock pursuant to subparagraph (III) of paragraph (a) of subsection (1.5)~~ EXPENSES OTHER THAN THOSE SPECIFIED IN SUBSECTION (1.5)(a) of this section; or

(b) Aggregate damages to the victim or to the dependents of a victim exceeding thirty thousand dollars; OR

(d) MOTOR VEHICLE EXPENSES OTHER THAN THOSE SPECIFIED IN SUBSECTIONS (1.5)(a)(I)(B) AND (1.5)(a)(III) OF THIS SECTION.

**SECTION 7.** In Colorado Revised Statutes, **amend** 24-4.1-110 as follows:

**24-4.1-110. Recovery from collateral source.** (1) The board ~~shall~~ MAY deduct from compensation it ~~awards~~ APPROVES under this part 1 any payments received by the applicant from the offender or from a person on behalf of the offender, from the United States or any state, or any subdivision or agency thereof, from a private source, or from an emergency ~~award~~ APPROVAL under this part 1 for injury or death compensable under this part 1, excluding death or pension benefits.

(2) If compensation is ~~awarded~~ APPROVED under this part 1 and the person receiving it also receives a collateral sum under subsection (1) of this section which has not been deducted from it, ~~he~~ THE PERSON shall

refund to the board the lesser of the sums or the amount of compensation paid to ~~him~~ THE PERSON under this part 1 unless the aggregate of both sums does not exceed ~~his~~ THE PERSON'S losses. The fund ~~shall be~~ IS the payer of last resort.

(3) If a defendant is ordered to pay restitution under article 18.5 of title 16 ~~C.R.S.~~, to a person who has received compensation awarded under this part 1, an amount equal to the compensation ~~awarded shall~~ APPROVED MUST be transmitted from such restitution to the board for allocation to the fund.

**SECTION 8.** In Colorado Revised Statutes, **amend** 24-4.1-111 as follows:

**24-4.1-111. Compensation to relatives.** (1) A relative of a victim, even though ~~he~~ THE RELATIVE was not a dependent of the victim, is eligible for compensation for reasonable medical, FUNERAL, or burial expenses for the victim, if:

(a) Such expenses were paid by ~~him~~ THE RELATIVE; and

(b) ~~He~~ THE RELATIVE files a claim in the manner provided in this part 1.

**SECTION 9.** In Colorado Revised Statutes, **amend** 24-4.1-112 as follows:

**24-4.1-112. Emergency approvals.** (1) The board may order an emergency ~~award~~ APPROVAL to the applicant pending a final decision in the claim if it appears to the board, prior to taking action upon the claim, that undue hardship will result to the applicant if immediate payment is not made. ~~Awards~~ APPROVALS pursuant to this section are intended to cover expenses incurred by crime victims in meeting their immediate short-term needs. The amount of ~~such award shall not~~ AN APPROVAL PURSUANT TO THIS SECTION MUST NOT exceed ~~two thousand dollars~~ THE AMOUNT SET FORTH IN THE BOARD'S POLICIES REGARDING EMERGENCY APPROVALS and ~~shall~~ MUST be deducted from any final ~~award~~ APPROVAL made as a result of the claim.

(2) If the amount of ~~such~~ AN emergency ~~award~~ APPROVAL exceeds the sum the board would have ~~awarded~~ APPROVED pursuant to this part 1,

such excess ~~shall~~ MUST be repaid by the recipient.

**SECTION 10.** In Colorado Revised Statutes, **amend** 24-4.1-114 as follows:

**24-4.1-114. Assignment, attachment, or garnishment of approved compensation.** No compensation payable under this article 4.1, prior to actual receipt thereof by the person or beneficiary entitled thereto or ~~his~~ THE PERSON'S OR BENEFICIARY'S legal representative, ~~shall be~~ IS assignable or subject to execution, garnishment, attachment, or any other process, including process to satisfy an order or judgment for support or alimony.

**SECTION 11.** In Colorado Revised Statutes, **amend** 24-4.1-114.5 as follows:

**24-4.1-114.5. Limitations on characterization of payment as income.** No compensation payable to an applicant under this part 1 ~~shall be~~ IS included in the applicant's income for purposes of the Colorado income tax imposed in article 22 of title 39, ~~C.R.S.~~; nor ~~shall~~ IS it ~~be~~ considered as income, property, or support for the purposes of determining the eligibility of the applicant for public assistance or the amount of assistance payments pursuant to section 26-2-108. ~~C.R.S.~~

**SECTION 12.** In Colorado Revised Statutes, **amend** 24-4.1-116 as follows:

**24-4.1-116. Subrogation.** The acceptance of ~~an award~~ APPROVED COMPENSATION made pursuant to this part 1 ~~shall subrogate~~ SUBROGATES the state, to the extent of ~~such award~~; THE APPROVED AMOUNT, to any right or right of action accruing to the applicant.

**SECTION 13.** In Colorado Revised Statutes, **amend** 24-4.1-117 as follows:

**24-4.1-117. Fund created - control of fund.** (1) The crime victim compensation fund is hereby established in the office of the court ~~administrator~~ EXECUTIVE of each judicial district for the benefit of eligible applicants under this part 1.

(2) The fund consists of all money paid as a cost or surcharge levied on criminal actions, as provided in section 24-4.1-119; any federal money available to state or local governments for victim compensation; all money received from any action or suit to recover damages from an assailant for a compensable crime which was the basis for ~~an award~~ APPROVAL of, and limited to, compensation received under this part 1; any restitution paid by an assailant to a victim for damages for a compensable crime which was the basis for ~~an award~~ APPROVAL OF COMPENSATION received under this part 1 and for damages for which the victim has received ~~an award~~ APPROVAL of, and limited to, compensation received under this part 1; money transferred from the marijuana tax cash fund pursuant to section 39-28.8-501 (4.9)(b); and any other money that the general assembly may appropriate or transfer to the fund.

(3) All ~~moneys~~ MONEY deposited in the fund ~~shall be~~ IS deposited in an interest-bearing account, which ~~shall~~ MUST be no less secure than those used by the state treasurer, and which ~~shall~~ MUST yield the highest interest possible. All interest earned by ~~moneys~~ MONEY in the fund ~~shall be~~ IS credited to the fund.

(4) At the conclusion of each fiscal year, all ~~moneys~~ MONEY remaining in the fund ~~shall remain~~ REMAINS in the fund. ~~for use the succeeding year~~

(5) All ~~moneys~~ MONEY deposited in the fund ~~shall~~ MUST be used solely for the compensation of victims pursuant to this part 1; except that the district attorney and the court ~~administrator~~ EXECUTIVE may use an aggregate of no more than ~~twelve~~ TWENTY-TWO and one-half percent of the total amount of ~~moneys~~ MONEY in the crime victim compensation fund for administrative costs incurred pursuant to this part 1. The district attorney ~~shall be permitted to~~ MAY use no more than ~~ten~~ TWENTY percent of the total amount of ~~moneys~~ MONEY in the fund for administrative costs. The court ~~administrator shall be permitted to~~ EXECUTIVE MAY use no more than two and one-half percent of the total amount of ~~moneys~~ MONEY in the fund for administrative costs.

(6) Grants of federal ~~funds~~ MONEY that ~~are~~ IS accepted pursuant to this part 1 for the purpose of assisting crime victims shall not be used to supplant state funds available to assist crime victims.



**SECTION 14.** In Colorado Revised Statutes, 24-4.1-117.3, **amend** (2)(a)(VIII) as follows:

**24-4.1-117.3. Crime victim services advisory board - creation - duties.** (2) (a) The advisory board ~~shall consist~~ CONSISTS of at least seventeen members appointed by the executive director, including but not limited to:

(VIII) A ~~judicial district administrator~~ COURT EXECUTIVE or judicial district representative;

**SECTION 15.** In Colorado Revised Statutes, **amend** 24-4.1-118 as follows:

**24-4.1-118. Court executive custodian of fund - disbursements.** The court ~~administrator~~ EXECUTIVE of each judicial district ~~shall be~~ IS the custodian of the fund, and THE COURT EXECUTIVE SHALL PAY all disbursements from the fund ~~shall be paid by him~~ upon written authorization of the board or the court.

**SECTION 16.** In Colorado Revised Statutes, 24-4.1-119, **amend** (1)(a), (1)(b), (1)(c), (1)(f), (1)(g)(I), (2), and (3); and **add** (1)(h) as follows:

**24-4.1-119. Costs and surcharges levied on criminal actions and traffic offenses.** (1) (a) Except as provided in subsection (1)(c) of this section, a cost of one hundred sixty-three dollars for felonies, seventy-eight dollars for misdemeanors, forty-six dollars for class 1 misdemeanor traffic offenses, and thirty-three dollars for class 2 misdemeanor traffic offenses is levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided for in section 18-1.3-102, which criminal action is charged pursuant to state statute. The defendant shall pay these costs to the clerk of the court. Each clerk shall transmit the costs received to the court ~~administrator~~ EXECUTIVE of the judicial district in which the offense occurred for credit to the crime victim compensation fund established in that judicial district.

(b) The costs required by ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION shall not be levied on criminal actions which are charged pursuant to the penalty assessment provisions of section 42-4-1701, ~~C.R.S.~~, or to any violations of articles 1 to 15 of title 33. ~~C.R.S.~~

(c) A cost of thirty-three dollars is hereby levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided for in section 18-1.3-102 ~~C.R.S.~~, of a violation of section 42-4-1301 (1) or (2). ~~C.R.S.~~ ~~This cost shall be paid~~ THE DEFENDANT SHALL PAY THIS COST to the clerk of the court, who shall ~~deposit the same in~~ TRANSMIT THE COSTS RECEIVED TO THE COURT EXECUTIVE OF THE JUDICIAL DISTRICT IN WHICH THE OFFENSE OCCURRED FOR CREDIT TO the crime victim compensation fund established in ~~section 24-4.1-117~~ THAT JUDICIAL DISTRICT.

(f) (I) A surcharge is hereby levied against each penalty assessment imposed for a violation of a class A or class B traffic infraction or class 1 or class 2 misdemeanor traffic offense pursuant to section 42-4-1701. ~~C.R.S.~~ The amount of the surcharge ~~shall be~~ IS one half of the amount specified in the penalty and surcharge schedule in section 42-4-1701 (4) ~~C.R.S.~~, or, if no surcharge amount is specified, the surcharge ~~shall be~~ IS calculated as thirty-seven percent of the penalty imposed. All ~~moneys~~ MONEY collected by the department of revenue pursuant to this ~~paragraph (f) shall~~ SUBSECTION (1)(f) MUST be transmitted to the court ~~administrator~~ EXECUTIVE of the judicial district in which the infraction occurred for credit to the crime victim compensation fund established in that judicial district ~~as provided in~~ ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN section 42-1-217. ~~C.R.S.~~

(II) All calculated surcharge amounts pursuant to this ~~paragraph (f)~~ SUBSECTION (1)(f) resulting in dollars and cents ~~shall~~ MUST be rounded down to the nearest whole dollar.

(III) The surcharges levied pursuant to this ~~paragraph (f)~~ SUBSECTION (1)(f) are separate and distinct from surcharges levied pursuant to section 24-4.2-104 for the victims and witnesses assistance and law enforcement fund.

(g) (I) A surcharge of eight dollars is levied against each penalty imposed for violation of a civil infraction pursuant to section 16-2.3-101. The clerk of the court shall transmit all money collected to the court ~~administrator~~ EXECUTIVE of the judicial department in which the offense occurred for credit to the crime victim compensation fund established in that judicial district.

(h) A COST OF THIRTY-THREE DOLLARS IS LEVIED ON EACH CRIMINAL ACTION THAT RESULTS WITH PLACEMENT IN AN ALTERNATIVE SENTENCING PROGRAM PURSUANT TO SECTION 18-1.3-101. THIS COST IS PAID TO THE ALTERNATIVE SENTENCING PROGRAM AND THEN TRANSMITTED TO THE COURT EXECUTIVE OF THE JUDICIAL DISTRICT WHERE THE OFFENSE OCCURRED FOR CREDIT TO THE CRIME VICTIM COMPENSATION FUND ESTABLISHED IN THAT JUDICIAL DISTRICT.

(2) For purposes of determining the order of priority for payments required of a defendant pursuant to section 18-1.3-204 (2.5) ~~C.R.S.~~, the payments to the victim compensation fund required under this part 1 ~~shall be~~ ARE the first obligation of the defendant.

(3) The provisions of sections 18-1.3-701 and 18-1.3-702 ~~C.R.S.~~, ~~shall be~~ ARE applicable as to the collection of costs levied pursuant to this part 1.

**SECTION 17.** In Colorado Revised Statutes, **amend** 24-4.1-122 as follows:

**24-4.1-122. Reports.** On or before October 1, 1985, and on or before each October 1 thereafter, the court ~~administrator~~ EXECUTIVE of each judicial district shall report to the state court administrator the amount of ~~moneys~~ MONEY collected by the judicial district in the prior fiscal year and the amount of ~~moneys~~ MONEY distributed to crime victims in the prior fiscal year by the board.

**SECTION 18. Applicability.** This act applies to approvals for compensation pursuant to the "Colorado Crime Victim Compensation Act" on or after the effective date of this act.

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

the support and maintenance of the departments of the state and state institutions.



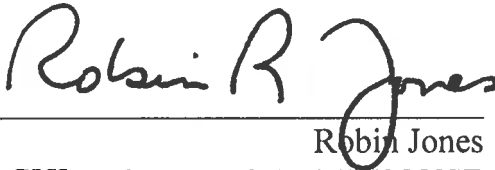
Steve Fenberg  
PRESIDENT OF  
THE SENATE



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

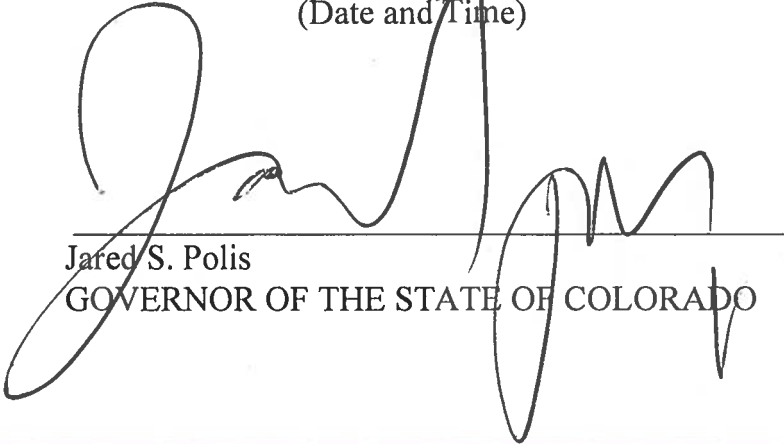


Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED Wednesday May 15<sup>th</sup> 2024 at 3:20 pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO