

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 19-1066.01 Jerry Barry x4341

HOUSE BILL 19-1310

HOUSE SPONSORSHIP

Melton and Gonzales-Gutierrez,

SENATE SPONSORSHIP

Lee,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INTEREST ON ORDERS OF RESTITUTION, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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://leg.colorado.gov>.)

Under current law, simple interest accrues on orders of restitution at the rate of 8% per annum. The bill lowers the rate to 3% per annum. The bill also provides that interest on an order of restitution does not accrue while the defendant is:

- ! In the custody of the department of corrections or a jail; or
- ! Current on any agreement to make periodic payments.

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

HOUSE
Amended 2nd Reading
April 25, 2019

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-603, **amend**
3 (4)(b)(I); and **add** (4)(b.5) as follows:

4 **18-1.3-603. Assessment of restitution - corrective orders.**

5 (4) (b) Any order for restitution made pursuant to this section is also an
6 order that:

7 (I) EXCEPT AS PROVIDED IN SUBSECTION (4)(b.5) OF THIS SECTION,
8 the defendant owes simple interest from the date of the entry of the order
9 at the rate of eight percent per annum; and

10 (b.5) (I) INTEREST ON AN ORDER FOR RESTITUTION DOES NOT
11 ACCRUE WHILE:

12 (A) THE DEFENDANT IS SERVING A SENTENCE IN A CORRECTIONAL
13 FACILITY OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF
14 CORRECTIONS LOCATED WITHIN THE STATE; OR

15 (B) THE DEFENDANT IS UNDER SIXTEEN YEARS OF AGE OR IN
16 FOSTER CARE, AS DEFINED IN SECTION 19-1-103 (51.3), OR IN
17 NONCERTIFIED KINSHIP CARE PLACEMENT, AS DEFINED IN SECTION
18 19-1-103 (78.7), OR IS IN THE CUSTODY OF THE DIVISION OF YOUTH
19 SERVICES.

20 (II) (A) THE GENERAL ASSEMBLY FINDS THAT RESTITUTION
21 ORDERS ENTERED PRIOR TO JULY 1, 2016, INCLUDE INTEREST AT THE RATE
22 OF TWELVE PERCENT PER ANNUM, WHICH HAS HINDERED THE DEFENDANT'S
23 ABILITY TO SATISFY THE ORDER OF RESTITUTION.

24 (B) A DEFENDANT WHO OWES INTEREST ON AN ORDER OF
25 RESTITUTION AT THE RATE OF TWELVE PERCENT PER ANNUM MAY PETITION
26 THE COURT FOR A MODIFICATION OF THE ORDER OF RESTITUTION TO LOWER

1 THE RATE OF INTEREST TO EIGHT PERCENT PER ANNUM.

2 **SECTION 2. Appropriation.** For the 2019-20 state fiscal year,
3 \$220,480 is appropriated to the judicial department. This appropriation
4 is from the judicial collection enhancement cash fund created in section
5 16-11-101.6 (2), C.R.S. To implement this act, the department may use
6 this appropriation for information technology infrastructure.

7 **SECTION 3. Effective date - applicability.** This act takes effect
8 July 1, 2019, and applies to orders enter on and after said date.

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