

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
10.12.17

BILL 10

LLS NO. 18-0306.01 Jerry Barry x4341

INTERIM COMMITTEE BILL

Sentencing in the Criminal Justice System Interim Study Committee

**BILL TOPIC: "Restitution Interest & Continuation"**

**A BILL FOR AN ACT**

101 **CONCERNING BURDENS OF RESTITUTION.**

**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/>.)*

**Sentencing in the Criminal Justice System Interim Study Committee.** The bill specifies that failure to pay all restitution owed cannot be the sole reason to continue a person on probation or parole and clarifies that restitution can be collected after the termination of probation or parole.

Under current law, restitution accrues simple interest at the rate of 8% per year. The bill changes the interest rate to 2% above the discount

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

rate set by the federal reserve bank of Kansas City as annually certified by the secretary of state.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 18-1.3-205  
3 as follows:

4 **18-1.3-205. Restitution as a condition of probation.** (1) As a  
5 condition of every sentence to probation, the court shall order that the  
6 defendant make full restitution pursuant to the provisions of part 6 of this  
7 ~~article~~ ARTICLE 1.3 and article 18.5 of title 16. ~~C.R.S.~~ Such THE order  
8 ~~shall~~ MUST require the defendant to make restitution within a period of  
9 time specified by the court. Such restitution ~~shall~~ MUST be ordered by the  
10 court as a condition of probation. IN THE EVENT THAT THE DEFENDANT  
11 DOES NOT MAKE FULL RESTITUTION BY THE DATE SPECIFIED BY THE  
12 COURT, THE RESTITUTION MAY BE COLLECTED AS PROVIDED FOR IN  
13 ARTICLE 18.5 OF TITLE 16.

14 (2) THE COURT SHALL NOT CONTINUE A DEFENDANT ON  
15 PROBATION SOLELY BECAUSE OF THE FAILURE TO PAY ALL OF THE  
16 RESTITUTION OWED. THE PROVISIONS OF ARTICLE 18.5 OF TITLE 16 APPLY  
17 NOTWITHSTANDING THE TERMINATION OF PROBATION.

18 **SECTION 2.** In Colorado Revised Statutes, 17-2-201, **amend**  
19 (5)(c)(I) as follows:

20 **17-2-201. State board of parole - duties - definitions.**  
21 (5) (c) (I) (A) As a condition of parole, the board shall order that the  
22 offender make restitution to the victim or victims of his or her conduct if  
23 such restitution has been ordered by the court pursuant to article 18.5 of  
24 title 16. The order must require the offender to make restitution within the  
25 period of time that the offender is on parole as specified by the board. In

1 the event that the defendant does not make full restitution by the date  
2 specified by the board, the restitution may be collected as provided for in  
3 article 18.5 of title 16.

4 (B) THE PAROLE BOARD SHALL NOT CONTINUE AN OFFENDER ON  
5 PAROLE SOLELY BECAUSE OF THE FAILURE TO PAY ALL OF THE  
6 RESTITUTION OWED. THE PROVISIONS OF ARTICLE 18.5 OF TITLE 16 APPLY  
7 NOTWITHSTANDING THE TERMINATION OF PAROLE.

8 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-603, **amend**  
9 (4)(b)(I) as follows:

10 **18-1.3-603. Assessment of restitution - corrective orders.**

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

13 (I) The defendant owes simple interest from the date of the entry  
14 of the order at the rate of ~~eight percent per annum~~ OF INTEREST CERTIFIED  
15 BY THE SECRETARY OF STATE PURSUANT TO SECTION 13-21-101 (3); and

16 **SECTION 4. Act subject to petition - effective date -**  
17 **applicability.** (1) This act takes effect September 1, 2018; except that,  
18 if a referendum petition is filed pursuant to section 1 (3) of article V of  
19 the state constitution against this act or an item, section, or part of this act  
20 within the ninety-day period after final adjournment of the general  
21 assembly, then the act, item, section, or part will not take effect unless  
22 approved by the people at the general election to be held in November  
23 2018 and, in such case, will take effect on the date of the official  
24 declaration of the vote thereon by the governor.

25 (2) This act applies to orders for restitution entered before, on, or  
26 after the applicable effective date of this act.