

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 17-0659.01 Richard Sweetman x4333

SENATE BILL 17-125

SENATE SPONSORSHIP

Guzman,

HOUSE SPONSORSHIP

Pabon,

Senate Committees

Judiciary
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING CERTAIN PERSONS WHO HAVE BEEN**
102 **EXONERATED OF CRIMES TO RECEIVE IN LUMP-SUM PAYMENTS**
103 **COMPENSATION THAT IS OWED TO THEM BY THE STATE.**

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>.)

Current law requires the state to compensate persons who were wrongfully convicted of crimes and subsequently incarcerated. Such compensation is paid in annual payments of \$100,000 until the state's duty of compensation is satisfied. The bill allows an exonerated person to elect to receive the remaining balance of the state's duty of

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.

SENATE
2nd Reading Unamended
February 22, 2017

compensation in a lump sum by:

- ! Notifying the state court administrator, the governor, and the general assembly of such election;
- ! Completing a personal financial management instruction course; and
- ! Acquiring and committing to maintain a qualified health insurance plan.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-3-114, **add** (8) as
3 follows:

4 **13-3-114. State court administrator - compensation for
5 exonerated persons - definitions - annual payments - child support
6 payments - financial literacy training - qualified health plan -
7 damages awarded in civil actions - reimbursement to the state.**

8 (8) (a) AT ANY POINT AFTER THE STATE COURT ADMINISTRATOR MAKES
9 AN ANNUAL PAYMENT TO AN EXONERATED PERSON PURSUANT TO
10 SUBSECTION (2) OF THIS SECTION, THE EXONERATED PERSON MAY ELECT
11 TO RECEIVE THE REMAINING BALANCE OF THE STATE'S DUTY OF MONETARY
12 COMPENSATION IN A LUMP SUM BY:

13 (I) NOTIFYING THE STATE COURT ADMINISTRATOR, THE
14 GOVERNOR, AND THE GENERAL ASSEMBLY OF SUCH ELECTION, WHICH
15 NOTIFICATION MUST BE PROVIDED IN WRITING;

16 (II) COMPLETING A PERSONAL FINANCIAL MANAGEMENT
17 INSTRUCTION COURSE; AND

18 (III) ACQUIRING AND COMMITTING TO MAINTAIN A QUALIFIED
19 HEALTH INSURANCE PLAN.

20 (b) UPON RECEIVING WRITTEN DOCUMENTATION THAT AN
21 EXONERATED PERSON HAS SATISFIED THE REQUIREMENTS DESCRIBED IN
22 SUBSECTION (8)(a) OF THIS SECTION, THE STATE COURT ADMINISTRATOR

1 SHALL PAY TO THE EXONERATED PERSON THE BALANCE OF THE STATE'S
2 DUTY OF MONETARY COMPENSATION NOT LATER THAN ONE YEAR AFTER
3 RECEIVING SUCH WRITTEN DOCUMENTATION.

4 **SECTION 2.** In Colorado Revised Statutes, 13-65-103, **amend**
5 (2)(f) as follows:

6 **13-65-103. Compensation for certain exonerated persons -**
7 **monetary compensation - financial literacy training - penalty for lack**
8 **of a qualified health plan - expungement of records - damages**
9 **awarded in civil actions.** (2) A district court that directs the state court
10 administrator to compensate an exonerated person or an immediate family
11 member of an exonerated person pursuant to this section shall reduce the
12 directions to writing and include within the directions:

13 (f) A statement notifying the person and the state court
14 administrator that, pursuant to section 24-30-209 (4), ~~C.R.S.~~, the
15 exonerated person is required to complete a personal financial
16 management instruction course before the state court administrator may
17 issue to the exonerated person more than one annual payment of monetary
18 compensation OR A LUMP-SUM PAYMENT, AS DESCRIBED BY SECTION
19 13-3-114 (8);

20 **SECTION 3. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.