

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 25-1304

BY REPRESENTATIVE(S) Froelich and Soper, Bacon, Boesenecker, Clifford, Duran, Espenosa, Hamrick, Jackson, Joseph, Lieder, Lindsay, Mabrey, Rutinel, Rydin, Story, Willford;
also SENATOR(S) Snyder and Bright, Amabile, Ball, Cutter, Exum, Gonzales J., Jodeh, Marchman, Michaelson Jenet, Wallace, Weissman.

CONCERNING THE EXTENSION OF THE RESTITUTION DEADLINE FOR A TRIAL COURT AFTER AN ORDER OF CONVICTION ENTERS IN A CRIMINAL CASE.

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

SECTION 1. In Colorado Revised Statutes, 18-1.3-603, **amend** (1) introductory portion, (1)(b), and (2)(a) as follows:

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

(1) Every order of conviction of a felony, misdemeanor, petty offense, or traffic misdemeanor offense, except any order of conviction for a state traffic misdemeanor offense issued by a municipal or county court in which the prosecuting attorney is acting as a special deputy district attorney pursuant to an agreement with the district attorney's office, ~~shall~~ **MUST** include consideration of restitution. Each ~~such~~ order ~~shall~~ **MUST** include one or more of the following:

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.

(b) An order that the defendant is obligated to pay restitution, but that the specific amount of restitution ~~shall be~~ IS determined within ~~the ninety-one~~ SIXTY-THREE days FOLLOWING THE PROSECUTING ATTORNEY'S SUBMISSION OF RESTITUTION INFORMATION PRESENTED TO THE COURT AS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION, OR WITHIN THE SIXTY-THREE DAYS immediately following the order of conviction, WHICHEVER IS LATER, unless good cause is shown for extending the time period by which the restitution amount ~~shall be~~ IS determined;

(2)(a) The court shall base its order for restitution upon information presented to the court by the prosecuting attorney, who shall compile such information through victim impact statements or other means to determine the amount of restitution and the identities of the victims. Further, the prosecuting attorney shall present this information to the court prior to the order of conviction or within ~~ninety-one~~ SIXTY-THREE days, if it is not available prior to the order of conviction. The court may extend this date if it finds that there are extenuating circumstances affecting the prosecuting attorney's ability to determine restitution.

SECTION 2. Applicability. This act applies to defendants sentenced on or after the effective date of this act.

SECTION 3. 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.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO