

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0424.01 Shelby Ross x4510

HOUSE BILL 26-1017

HOUSE SPONSORSHIP

Espenoza and Zokaie,

SENATE SPONSORSHIP

Weissman,

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROHIBITING AN INSURER FROM RECEIVING

102 RESTITUTION THROUGH THE CRIMINAL RESTITUTION PROCESS.

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>.)

For the purpose of criminal restitution, current law defines a "victim" as any person who has suffered losses because of a contractual relationship, including an insurer. The bill excludes an insurer from the definition of "victim" and instead authorizes an insurer to file a civil action against the offender to recover losses if the insurer has suffered because of a contractual relationship with the victim.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-602, amend
3 (4)(a)(III) and (4)(b) as follows:

4 **18-1.3-602. Definitions.**

5 As used in this part 6, unless the context otherwise requires:

6 (4) (a) "Victim" means any person aggrieved by the conduct of an
7 offender and includes, but is not limited to, the following:

8 (III) Any person who has suffered losses because of ~~a contractual~~
9 relationship with, ~~including but not limited to, an insurer, or because of~~
10 liability ~~under~~ PURSUANT TO section 14-6-110 C.R.S., for a person
11 described in ~~subparagraph (I) or (II) of this paragraph (a)~~ SUBSECTION
12 (4)(a)(I) OR (4)(a)(II) OF THIS SECTION;

13 (b) (I) "Victim" ~~shall~~ DOES not include a person who is
14 accountable for the crime or a crime arising from the same conduct,
15 criminal episode, or plan as defined ~~under~~ PURSUANT TO the law of this
16 state or of the United States.

17 (II) "VICTIM" DOES NOT INCLUDE AN INSURER WHO HAS SUFFERED
18 A LOSS BECAUSE OF A CONTRACTUAL RELATIONSHIP WITH THE VICTIM.
19 THIS SUBSECTION (4)(b)(II) DOES NOT PREVENT AN INSURER FROM FILING
20 A CIVIL ACTION AGAINST THE OFFENDER TO RECOVER LOSSES THE INSURER
21 HAS SUFFERED BECAUSE OF A CONTRACTUAL RELATIONSHIP WITH THE
22 VICTIM.

23 **SECTION 2. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2026 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.