



## **FIFTH JUDICIAL DISTRICT, STATE OF COLORADO**

---

|   |   |                    |
|---|---|--------------------|
| <b>STANDING ORDER CONCERNING</b>        | ) |                    |
| <b>PROCEDURES FOR THE ASSESSMENT OF</b> | ) | <b>ORDER 12-01</b> |
| <b>INTEREST ON RESTITUTION</b>          | ) |                    |

---

Colorado Revised Statutes Section 18-1.3-603(4)(a)(b)(I) provides that "The defendant owes interest from the date of entry of the order [for restitution] at the rate of twelve percent per annum." The order for restitution is deemed to provide for interest to be paid on the restitution owed by the defendant as well. However, the statute does not require the Courts to automatically calculate and track the interest owed or paid. The legislative intent was merely for victims not to be required to obtain a new court order when they elect to pursue interest on the restitution owed to them.

The Fifth Judicial District will utilize the following procedures for cases in which victims request interest on restitution owed to them:


1. Court employees will not automatically calculate interest on restitution.
2. Should a victim request interest be paid, he/she will be supplied with the following forms:
  - a. Calculation of Interest Owed on Restitution Judgment
  - b. Certificate of Mailing
  - c. Objection to Calculation of the Amount of Restitution Interest
3. If there are multiple victims, only the victim requesting interest will have interest applied to the restitution owed to them, unless the other victims, by signed and notarized letter, request to be joined in the request for interest on their restitution as well. However, if different amounts of restitution are owed to each victim, a separate Calculation of Interest owed on Restitution Judgment will need to be completed for each victim. If there are multiple defendants, the interest will be applied to the joint and several restitution owed.
4. The victim will complete the forms, and provide them to the Clerk along with an envelope addressed to the defendant, sufficient postage to mail the documents "certified restricted delivery," a certified mail receipt, and a return receipt with the address of the Court.
5. The victim will file the original forms with the Clerk of Court and the documents will be entered into the court's case management system (ICON/Eclipse/JPOD).
6. The Clerk of Court will verify the completeness of the documents, including name, case number, defendant's name, amount of restitution, and review the calculation of interest for mathematical accuracy, verify a certificate of mailing

with attached postal green receipt card or affidavit of service is included, and date stamp the documents.

7. Twenty-one (21) days after the Calculation of Interest is mailed to the defendant, if no objection has been filed by the defendant, the Clerk of Court will enter the restitution interest amount as a VBL.
8. If an objection is filed by the defendant, the Clerk of Court will attempt to resolve the conflict. If unable to do so, the Clerk of Court will refer the matter to the sentencing court for resolution.
9. Interest will be added to the case in the case management system with the code REST on a separate line, with a VBL comment "interest on restitution added \_\_\_\_ date"
10. The Clerk of Court will stamp "docketed" and add (FOTH) including substantially the following information:

**Calculation of interest owed on restitution judgment dated \_\_\_\_\_ served to def. Cert of mailing in file. No objection filed by def, therefore approved and entered. Restitution interest \$ \_\_\_\_\_ assessed for the period \_\_\_\_\_. [Date and initials of clerk]**

Ordered this 4<sup>th</sup> day of April 2012

  
R. THOMAS MOORHEAD  
Chief Judge