

Chief Judge Order 21-06
Fourteenth Judicial District
State of Colorado

ORDER VACATING CERTAIN MONETARY AMOUNTS ASSESSED AGAINST A JUVENILE IN CERTAIN PROCEEDINGS PURSUANT TO HB 21-1315	
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On July 6, 2021, Governor Polis signed into law the provisions of House Bill 21-1315, *Concerning Eliminating Certain Monetary Amounts a Juvenile in the Justice System is required to Pay*. Section 22 of HB 21-1315 added C.R.S. § 18-1.3-704, Section 23 of HB 21-1315 added C.R.S. § 19-2-115, and Section 31 added C.R.S. § 19-2.5-110. These three sections expire on June 30, 2025.

Section 18-1.3-704, C.R.S. provides:

(1) On and after the effective date of this section, the balance of any court-assessed or court-ordered costs imposed pursuant to section 16-11-101.6(1), 18- 1.3-407 (4.5) OR (11.5), 18-1.3-507 (6)(a), 18-1.3-701 (1) OR (2)(m), 18-21-103 (1.5), 18-25-101(1), 21-1-103 (3), 24-4.1-119 (1)(a) OR (1)(d), 24-4.2-104 (1)(a)(I), or 42-4-1307 (10) against a juvenile, as defined in section 18-1.3- 407(2)(a)(III)(A), the parent, guardian, or legal custodian of a juvenile, or other person who is liable for the support of a juvenile, are unenforceable and not collectable.

(2)(a) Within six months after the effective date of this section, the court shall vacate the portion of a court order imposing the costs described in subsection (1) of this section.

(3) This section is repealed, effective June 30, 2025

Section 19-2-115, C.R.S. provides:

(1) On and after the effective date of this section, the balance of any court assessed or court-ordered costs imposed pursuant to Section 19-2-114, other than payments required pursuant to Title IV of the federal "Social Security Act", 19-2-706 (2)(b), 19-2-905 (4), 19-2-907 (1)(1) or (6), 19-2-925 (2)(a)(viii) and (2)(a)(ix), or 19-2-925.6 (1) in a juvenile delinquency proceeding (a "JD" case) are unenforceable and not collectable.

(2)(a) Within six months after the effective date of this Section, the court shall vacate the portion of a court order imposing the costs described in subsection (1) of this section.

(b) If the judicial department has referred the outstanding balance of the costs to a private collection agency for collection, the department shall inform the agency that the balance has been vacated and the balance is not collectable.

(c) On or before July 1, 2022, the State Court Administrator shall report to the House of Representatives Judiciary Committee and the Senate Judiciary Committee, or their successor committees, the number of orders vacated or partially vacated pursuant to this section in each judicial district and the amount of the balances vacated in each judicial district.

(3) This section is repealed, effective June 30, 2025.

Section 19-2.5-110, C.R.S. provides:

(1) On and after the effective date of this Section, the balance of any court-assessed or court-ordered costs imposed pursuant to Section 19-2.5-605 (2)(b), 19-2.5-1101 (4), 19-2.5-1103 (1)(1) or (6), 19-2.5-1108 (2)(a)(viii) or (2)(a)(ix), 19- 2.5-1119 (1), or 19-2.5-1120, other than payments required pursuant to Title IV of the federal "Social Security Act", in a juvenile delinquency proceeding are unenforceable and not collectable.

(2)(a) Within six months after the effective date of Section 19-2-115, as enacted by House Bill 21-1315, the court shall vacate the portion of a court order imposing the costs described in subsection (1) of this Section.

(b) If the Judicial Department has referred the outstanding balance of the costs to a private collection agency for collection, the Department shall inform the agency that the balance has been vacated and the balance is not collectable. On or before July 1, 2022, the State Court Administrator shall report to the House of Representatives Judiciary Committee and the Senate Judiciary Committee, or their successor committees, the number of orders vacated or partially vacated pursuant to this section, or Section 19-2-115 prior to its repeal in 2021, in each judicial district and the amount of the balances vacated in each judicial district.

(3) This Section is repealed, effective June 30, 2025.

Pursuant to the authority provided to Chief Judges under Chief Justice Directive 95-01, and to allow the efficient case management for cases involving juveniles impacted by HB 21-1315 in the 14th Judicial District, this Chief Judge Order is hereby entered to vacate certain costs imposed or entered by the court in juvenile delinquency proceedings.

HB 21-1315 requires that the court vacate the portion of a court order assessing or ordering certain costs, which include the following:

- Any court assessed or court ordered costs in a juvenile delinquency proceeding pursuant to the following sections:
 - o C.R.S. § 16-11-101.6(1);
 - o C.R.S. § 18-1.3-407(4.5) or (11.5);
 - o C.R.S. § 18-1.3-507(6)(a);
 - o C.R.S. § 18-1.3-701(1) or (2)(m);
 - o C.R.S. § 18-21-103 (1.5);
 - o C.R.S. § 18-25-101(1);
 - o C.R.S. § 21-1-103(3);
 - o C.R.S. § 24-4.1-119 (1)(a) or (1)(d);
 - o C.R.S. § 24-4.2-104 (1)(a)(I);
 - o C.R.S. § 42-4-1307(10).
- Any court assessed or court ordered costs in a juvenile delinquency proceeding pursuant to the following sections:
 - o C.R.S. § 19-2-114 (other than payments required pursuant to Title IV of the federal Social Security Act);
 - o C.R.S. § 19-2-706 (2)(b);
 - o C.R.S. § 19-2-905 (4);
 - o C.R.S. § 19-2-907 (1)(l) or (6);
 - o C.R.S. § 19-2-925 (2)(a)(VIII) and 2(a)(IX);
 - o C.R.S. § 19-2-925.6(1);
 - o C.R.S. § 19-2.5-1120;
 - o C.R.S. § 19-2.5-605(2)(b);
 - o C.R.S. § 19-2.5-1101(4);
 - o C.R.S. § 19-2.5-1103(1)(l) or (6)
 - o C.R.S. § 19-2.5-1108(2)(a)(VII) and 2(a)(IX);
 - o C.R.S. § 19-2.5-1119(1).

IT IS HEREBY ORDERED:

1. The costs listed in C.R.S. § 18-1.3-704, C.R.S. § 19-2-115, and C.R.S. § 19-2.5-110 shall be vacated in all JD cases in the 14th Judicial District where such costs have been

assessed or ordered, consisting of the following fines, fees, costs, or surcharges imposed as part of sentencing, disposition, or adjudication of a felony, misdemeanor, juvenile delinquency petition, petty offense, traffic offense, or traffic infraction:

- (a) Cost of care
- (b) Cost of prosecution
- (c) Cost of preliminary hearings
- (d) Cost of transcripts
- (e) Cost of medical care
- (f) Cost of genetic testing
- (g) Restorative justice costs (facilitator fees and assessment costs)
- (h) Sex offender surcharge
- (i) DWAI and DWI crime victim compensation costs
- (j) Victim compensation fees and costs
- (k) Time payment fee
- (l) Late penalty fee
- (m) Useful public service fee
- (n) Cost for diversion program
- (o) Processing fee
- (p) Misdemeanor and felony surcharges and fines (youthful offenders)
- (q) DWAI and DWI surcharges (including data analysis surcharge)
- (r) Cost of representation

2. The Information Technology Division of the Office of the State Court Administrator shall identify the JD cases in which court-assessed or court-ordered costs must be vacated pursuant to C.R.S. § 18-1.3-704, C.R.S. § 19-2-115, and C.R.S. § 19-2.5-110. Pursuant to this Chief Judge Order, all court-assessed or court-ordered costs in a JD case are vacated in all cases identified by the Information Technology Division, and the Information Technology Division is granted authority under this Order to remove such costs without need for a separate order in each case.

3. Information Technology Division is requested to provide the 14th District Clerks of Court with a list of all cases in which costs were vacated and a breakdown of the costs that were vacated.

4. Vacated court-assessed or court-ordered costs shall no longer be part of any order or judgement against any party in a JD case. The court shall not take any steps to collect any court-assessed or court-ordered costs vacated by this Chief Judge Order.

5. If a particular case has been referred to a private collection agency, the court will calculate the new balance owed upon removing the costs that are vacated pursuant to statute and promptly notify the agency in writing of the amended amount that is subject to collection efforts.

This Chief Judge Order **does not vacate** any court-assessed or court-ordered costs that are not listed in C.R.S. § 18-1.3-704, C.R.S. § 19-2-115, and C.R.S. § 19-2.5-110. This Chief Judge Order **does not impact or vacate** any orders imposing restitution. The provisions of this Chief Judge Order shall take effect once the Information Technology Division of the Office of the State Court Administrator implements the procedures for vacating the applicable costs, as set forth in Paragraph 2 above. This Chief Judge Order **does not entitle** anyone to repayment or reimbursement for any payments that were made prior to the effective date of this Chief Judge Order. This Chief Judge Order shall expire on June 30, 2025, pursuant to C.R.S. § 18-1.3-704(3), C.R.S. § 19-2-115(3), and C.R.S. § 19-2.5-110(3).

Dated this 3rd day of September, 2021.



Michael A. O'Hara, III
Chief Judge, 14th Judicial District