

RULE CHANGE 2019(08)
COLORADO RULES OF CRIMINAL PROCEDURE

Rule 32. Sentence and Judgment

(a) through (c)(2) [NO CHANGE]

(c)(3) When the court imposes a sentence, enters a judgment, or issues an order that obligates a defendant to pay ~~that includes payment of~~ any monetary amount, the court shall instruct the defendant ~~that~~ as follows:

(I) If at any time the defendant is unable to pay the monetary amount due, the defendant must contact the court's designated official or appear before the court to explain why he or she is unable to pay the monetary amount; ~~and~~

(II) If the defendant ~~has the ability to~~ lacks the present ability to pay the monetary amount due without undue hardship to the defendant or the defendant's dependents, the court shall not jail the defendant for failure to pay; and ~~as directed by the court or the court's designee but willfully fails to pay, the defendant may be imprisoned for failure to comply with the court's lawful order to pay pursuant to section 18-1.3-702, C.R.S.~~

(III) If the defendant has the ability to pay the monetary amount as directed by the court or the court's designee but willfully fails to pay, the defendant may be imprisoned for failure to comply with the court's lawful order to pay pursuant to the terms of this section.

(d) through (g) [NO CHANGE]

Rule 32. Sentence and Judgment

(a) through (c)(2) [NO CHANGE]

(c)(3) When the court imposes a sentence, enters a judgment, or issues an order that obligates a defendant to pay any monetary amount, the court shall instruct the defendant as follows:

(I) If at any time the defendant is unable to pay the monetary amount due, the defendant must contact the court's designated official or appear before the court to explain why he or she is unable to pay the monetary amount;

(II) If the defendant lacks the present ability to pay the monetary amount due without undue hardship to the defendant or the defendant's dependents, the court shall not jail the defendant for failure to pay; and

(III) If the defendant has the ability to pay the monetary amount as directed by the court or the court's designee but willfully fails to pay, the defendant may be imprisoned for failure to comply with the court's lawful order to pay pursuant to the terms of this section.

(d) through (g) [NO CHANGE]

Amended and Adopted by the Court, En Banc, March 14, 2019, effective immediately.

By the Court:

**Carlos A. Samour, Jr.
Justice, Colorado Supreme Court**