

Chief Judge, Twelfth Judicial District

**ORDER VACATING
CERTAIN MONETARY
AMOUNTS ASSESSED
AGAINST A JUVENILE IN
CERTAIN PROCEEDINGS
PURSUANT TO HB 21-1315**



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2021-02**

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- (3) This section is repealed, effective June 30, 2025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) against a juvenile, the parent or guardian of a juvenile, or other person who is liable for the support of a juvenile who was adjudged a ward of the juvenile court 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", against a juvenile, the parent or guardian of a juvenile, or other person who is liable for the support of a juvenile who was adjudged a ward of the juvenile court 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 12th Judicial District, this Administrative Order is hereby entered to vacate certain costs imposed or entered by the court against juveniles/defendants, the parents or guardians of

juvenile/defendants, and other persons liable for the support of a juvenile adjudged a ward of the juvenile court.

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 against a defendant who was a juvenile at the time that the crime was committed, and under 21 when sentenced as a youthful offender, the parent, guardian, or legal custodian of a juvenile, or other person who is liable for the support of a juvenile, pursuant to the following sections:
 - C.R.S. § 16-11-101.6(1);
 - C.R.S. § 18-1.3-407(4.5) or (11.5);
 - C.R.S. § 18-1.3-507(6)(a);
 - C.R.S. § 18-1.3-701(1) or (2)(m);
 - C.R.S. § 18-21-103 (1.5);
 - C.R.S. § 18-25-101(1);
 - C.R.S. § 21-1-103(3);
 - C.R.S. § 24-4.1-119 (1)(a) or (1)(d);
 - C.R.S. § 24-4.2-104 (1)(a)(I);
 - C.R.S. § 42-4-1307(10).
- Any court assessed or court ordered costs against a juvenile/defendant, the parent, guardian, or legal custodian of a juvenile, or other person who is liable for the support of a juvenile, pursuant to the following sections:
 - C.R.S. § 19-2-114 (other than payments required pursuant to Title IV of the federal Social Security Act);
 - C.R.S. § 19-2-706 (2)(b);
 - C.R.S. § 19-2-905 (4);
 - C.R.S. § 19-2-907 (1)(l) or (6);
 - C.R.S. § 19-2-925 (2)(a)(VIII) and 2(a)(IX);
 - C.R.S. § 19-2-925.6(1);
 - C.R.S. § 19-2.5-1120;
 - C.R.S. § 19-2.5-605(2)(b);
 - C.R.S. § 19-2.5-1101(4);
 - C.R.S. § 19-2.5-1103(1)(l) or (6)
 - C.R.S. § 19-2.5-1108(2)(a)(VII) and 2(a)(IX);
 - 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 cases in the 12th 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 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 Administrative Order, all court-assessed or court-ordered costs against a juvenile/defendant, and against the juvenile/defendant's parent, guardian or legal custodian, are vacated in all cases identified by the Information Technology Division, and the juvenile/defendant, or the juvenile/defendant's parent, guardian or legal custodian, and the Information Technology Division is granted authority under this Administrative Order to remove the vacate and remove such costs without need for a separate order issued on a case-by-case basis.
3. Information Technology Division will please provide each Clerk of Court in the 12th Judicial District (Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache) with a list of all cases in which costs were vacated and a breakdown of the costs that were vacated. Unless appropriate notation has been made by ITS in the case file when costs are vacated; a minute

order will be prepared by our staff in these cases to reflect the costs were vacated by the Information Technology Division through the authority provided by this Administrative Order. The judge or magistrate that is presiding over the case at that time will decide whether an amended mittimus or sentencing order is required, or if the provisions of this Administrative Order will suffice.

4. Vacated court-assessed or court-ordered costs shall no longer be part of any order or judgement against a juvenile/defendant or against the parent, guardian, or legal custodian. The court shall not take any steps to collect any court-assessed or court-ordered costs vacated by this Administrative 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 Administrative 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 Administrative Order **does not impact or vacate** any orders imposing restitution. This Administrative Order **does not entitle** anyone to repayment or reimbursement for any payments that were made prior to the effective date of this Administrative Order. This Administrative 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 1st day of September, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'M. Gonzales', written over a horizontal line.

Michael A. Gonzales
Chief Judge, 12th Judicial District