

SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE

**DIRECTIVE CONCERNING THE ASSESSMENT AND COLLECTION OF STATUTORY
FINES, FEES, SURCHARGES, AND COSTS IN CRIMINAL, JUVENILE, TRAFFIC AND
MISDEMEANOR CASES**

Amended April 2025

Fines, fees, surcharges, and costs (“assessments”) are statutorily mandated and provide a significant amount of funding for programs and services throughout the State. The assessment of these amounts shall be standard practice, regardless of the court level or location. Waiver or suspension of assessments shall be clearly indicated in the court records.

All statutorily mandated assessments shall be assessed by district, juvenile, and county court judges and magistrates. Amounts assessed shall not be waived or suspended unless authorized by statute or rule. If the statute or rule is silent as to the court’s authority for waiver or suspension of the assessments ordered, this CJD shall provide authority for the court to waive or suspend the amount only in those instances where the court finds the Defendant or Juvenile has no future ability to pay the amount.

Courts can consider future ability to pay. (*People v. Fogarty*, 126 P.3d 238 (Colo.App. 2005), *People v. Archuleta-Ferales*, 343 P.3d 1069 (Colo. App. 2014), *People v. DeBorde*, 411 P.3d 220 (Colo. App. 2016).) Payment of assessments may be made over time, and these assessments provide the Defendant with the opportunity to benefit from treatment and services, improving their financial stability and ability to pay in the future.

Assessments shall not be waived or suspended except as permitted by law and only upon request of the Defendant, Juvenile, Collections Investigator or probation officer. The court shall only grant a waiver or suspension after making a finding of financial inability to pay the assessment, based on a review of a financial affidavit or similar supporting documentation.

The court is encouraged to utilize Collections Investigators to determine a Defendant’s or Juvenile’s ability to pay. Following investigation of available information, the Collections Investigator shall make a recommendation to the court regarding the Defendant’s or Juvenile’s individual circumstances and ability to pay at the time or in the future.

The court shall record the order to waive or suspend required assessments. The sentence shall be entered with the required assessments and use the appropriate modifiers to document the order of the court to waive or suspend all or some of the amount assessed. All assessments shall be collected by the court unless they are waived or suspended pursuant to the court’s order.

Chief Justice Directive 85-31
Amended April 2025

CJD 85-31 is amended, effective upon signature.

Done at Denver, Colorado, this 21st day of April 2025.

/s/
Monica M. Márquez, Chief Justice