

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 10-1215

BY REPRESENTATIVE(S) Waller, Baumgardner, McCann, Miklosi, Nikkel, Priola, Kerr J., Labuda, Liston, Looper, Todd; also SENATOR(S) Scheffel.

CONCERNING THE USE OF CASH BOND DEPOSITS AFTER THE DISCHARGE OF THE BOND TO SATISFY OUTSTANDING COURT-ORDERED DEBTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 16-4-109 (1), Colorado Revised Statutes, is amended to read:

16-4-109. Disposition of security deposits upon forfeiture or termination of bond. (1) (a) If a defendant is released upon deposit of cash in any amount or upon deposit of any stocks or bonds and the defendant is later discharged from all liability under the terms of the bond, the clerk of the court shall return the deposit to the person who made the deposit.

(b) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), IF THE DEPOSITOR OF THE CASH BOND IS THE DEFENDANT AND THE DEFENDANT OWES COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES AT THE TIME THE DEFENDANT IS DISCHARGED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FROM ALL LIABILITY UNDER THE TERMS OF THE BOND, THE COURT MAY APPLY THE DEPOSIT TOWARD ANY AMOUNT OWED BY THE DEFENDANT IN COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES. IF ANY AMOUNT OF THE DEPOSIT REMAINS AFTER PAYING THE DEFENDANT'S OUTSTANDING COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES, THE COURT SHALL RETURN THE REMAINDER OF THE DEPOSIT TO THE DEFENDANT.

(II) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), IF THE DEPOSITOR OF THE CASH BOND IS NOT THE DEFENDANT, BUT THE DEFENDANT OWES COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES AT THE TIME THE DEFENDANT IS DISCHARGED FROM ALL LIABILITY UNDER THE TERMS OF THE BOND, THE COURT MAY APPLY THE DEPOSIT TOWARD THE AMOUNT OWED BY THE DEFENDANT IN COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES IF THE DEPOSITOR AGREES IN WRITING TO THE USE OF THE DEPOSIT FOR SUCH PURPOSE. IF ANY AMOUNT OF THE DEPOSIT REMAINS AFTER PAYING THE DEFENDANT'S OUTSTANDING COURT COSTS, FEES, FINES, RESTITUTION, OR SURCHARGES, THE COURT SHALL RETURN THE REMAINDER OF THE DEPOSIT TO THE DEPOSITOR.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless

approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO