

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the Second Regular Session of the Seventieth General Assembly of the State of Colorado (2016) and changes approved by the electorate at the General Election on November 8, 2016 ***

TITLE 24. GOVERNMENT – STATE ADMINISTRATION

ARTICLE 4.1. CRIME VICTIM COMPENSATION AND VICTIM AND WITNESS RIGHTS

PART 1. CRIME VICTIM COMPENSATION ACT

C.R.S. 24-4.1-100.1 (2016)

24-4.1-100.1. Short title

This part 1 shall be known and may be cited as the "Colorado Crime Victim Compensation Act".

HISTORY: Source: L. 82: Entire section added, p. 364, § 1, effective March 22. L. 84: Entire section amended, p. 657, § 5, effective May 14.

Cross references: For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

Cross references: For restitution as a condition of probation, see [§ 18-1.3-205](#); for restitution to victims of crime generally, see article 28 of title 17; for the "Colorado Victim and Witness Protection Act of 1984", see part 7 of article 8 of title 18; for restitution by delinquent children under the "Colorado Children's Code", see [§ 19-2-918](#); for assistance to victims of and witnesses to crimes, see article 4.2 of this title.

24-4.1-101. Legislative declaration

The general assembly hereby finds that an effective criminal justice system requires the protection and assistance of victims of crime and members of the immediate families of such victims in order to preserve the individual dignity of victims and to encourage greater public cooperation in the apprehension and prosecution of criminal defendants. The general assembly hereby intends to provide protection and assistance to victims and members of the immediate families of such victims by declaring and implementing the rights of such persons and by lessening the financial burden placed upon victims due to the commission of crimes. This article shall be liberally construed to accomplish such purposes.

HISTORY: Source: L. 81: Entire article added, p. 1135, § 5, effective July 1. L. 92: Entire section amended, p. 415, § 1, effective January 14, 1993.

Cross references: For constitutional provisions relating to the rights of crime victims, see [§ 16a of article II, Colo. Const.](#); for statutory provisions relating to the rights of victims of and witnesses to crimes, see part 3 of this article.

24-4.1-102. Definitions

As used in this part 1, unless the context otherwise requires:

(1) "Applicant" means any victim of a compensable crime who applies to the fund for compensation under this part 1. In the case of such victim's death, the term includes any person who was his dependent at the time of the death of that victim.

(2) "Board" means the crime victim compensation board in each judicial district.

(3) "Child" means an unmarried person who is under eighteen years of age. The term includes a posthumous child, a stepchild, or an adopted child.

(4) (a) "Compensable crime" means:

(I) An intentional, knowing, reckless, or criminally negligent act of a person or any act in violation of [section 42-4-1301 \(1\)](#) or (2), C.R.S., that results in residential property damage to or bodily injury or death of another person or results in loss of or damage to eyeglasses, dentures, hearing aids, or other prosthetic or medically necessary devices and which, if committed by a person of full legal capacity, is punishable as a crime in this state; or

(II) An act in violation of [section 42-4-1402, C.R.S.](#), that results in the death or bodily injury of another person or [section 42-4-1601, C.R.S.](#), where the accident results in the death or bodily injury of another person.

(b) "Compensable crime" includes federal offenses that are comparable to those specified in paragraph (a) of this subsection (4) and are committed in this state.

(5) (a) "Dependent" means relatives of a deceased victim who, wholly or partially, were dependent upon the victim's income at the time of death or would have been so dependent but for the victim's incapacity due to the injury from which the death resulted.

(b) "Dependent" also means the child or spouse of the accused or other person in an intimate relationship, as defined in [section 18-6-800.3, C.R.S.](#), with the accused, if the accused provided household support to the dependent.

(6) "Economic loss" means economic detriment consisting only of allowable expense, net income, replacement services loss, and, if injury causes death, dependent's economic loss. The term does not include noneconomic detriment.

(7) "Fund" means the crime victim compensation fund as established in each judicial district.

(7.5) "Household support" means the monetary support that a dependent would have received from the accused for the purpose of maintaining a home or residence.

(8) "Injury" means impairment of a person's physical or mental condition and includes pregnancy.

(8.5) (a) "Property damage" means damage to windows, doors, locks, or other security devices of a residential dwelling and includes damage to a leased residential dwelling.

(b) "Property damage" also includes expenses related to the rekeying of a motor vehicle or other locks necessary to ensure a victim's safety.

(9) "Relative" means a victim's spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, half sister, or spouse's parents. The term includes said relationships that are created as a result of adoption. In addition, "relative" includes any person who has a family-type relationship with a victim.

(10) (a) "Victim" means any of the following persons who suffer property damage, economic loss, injury, or death as a result of a compensable crime perpetrated or attempted in whole or in part in this state:

(I) Any person against whom a compensable crime is perpetrated or attempted. Such person shall be referred to as a "primary victim".

(II) Any person who attempts to assist or assists a primary victim;

(III) Any person who is a relative of a primary victim.

(b) "Victim" also means a person who suffers injury or death, the proximate cause of which is a compensable crime perpetrated or attempted in the person's presence against a primary victim.

(c) "Victim" also means a person who is a resident of this state and who is a victim of a crime that occurred outside of this state, where the crime would be a compensable crime had it occurred in this state and where the state or country in which the crime occurred does not have a crime victim compensation program for which the person would be eligible.

(d) "Victim" also means a person who is a resident of this state who is injured or killed by an act of international terrorism, as defined in 18 U.S.C. sec. 2331, committed outside of the United States.

HISTORY: Source: L. 81: Entire article added, p. 1135, § 5, effective July 1.L. 83: (4) and (10) amended and (8.5) added, pp. 669, 854, 1648, § § 16, 1, 19, effective July 1.L. 84: IP(1) and (1) amended, p. 657, § 6, effective May 14.L. 85: (1) and (6) amended, p. 792, § 1, effective April 11.L. 90: (10) amended, p. 1179, § 1, effective July 1.L. 94: (4) amended,

p. 2555, § 50, effective January 1, 1995.L. 95: (8) to (10) amended, p. 1400, § 1, effective July 1.L. 97: (4) and (10)(c) amended and (10)(d) added, p. 1560, § 3, effective July 1.L. 98: (10)(d) amended, p. 517, § 1, effective April 30.L. 99: (10)(d) amended, p. 58, § 10, effective March 15.L. 2015: (4)(a)(II), (5), and (8.5) amended and (7.5) added, (HB 15-1035), ch. 60, p. 143, § 1, effective March 30.

24-4.1-103. Crime victim compensation board - creation

(1) There is hereby created in each judicial district a crime victim compensation board. Each board shall be composed of three members to be appointed by the district attorney. The district attorney shall designate one of the members as chairman. To the extent possible, members shall fairly reflect the population of the judicial district.

(2) The term of office of each member of the board shall be three years; except that, of those members first appointed, one shall be appointed for a three-year term, one for a two-year term, and one for a one-year term. All vacancies, except through the expiration of term, shall be filled for the unexpired term only. Each member may be reappointed once and serve two consecutive terms. A person may be reappointed to the board thereafter if it has been at least one year since such person served on the board.

(3) Members of the board shall receive no compensation but are entitled to be reimbursed for travel expenses at the rate authorized for state employees.

HISTORY: Source: L. 81: Entire article added, p. 1136, § 5, effective July 1.L. 90: (2) amended, p. 1179, § 2, effective July 1.

24-4.1-104. District attorney to assist board

The district attorney and his legal and administrative staff shall assist the board in the performance of its duties pursuant to this part 1.

HISTORY: Source: L. 81: Entire article added, p. 1137, § 5, effective July 1.L. 84: Entire section amended, p. 657, § 7, effective May 14.

24-4.1-105. Application for compensation

(1) A person who may be eligible for compensation under this part 1 may apply to the board in the judicial district in which the crime was committed. In a case in which the person entitled to apply is a minor, the application may be made on his behalf by his parent or guardian. In a case in which the person entitled to apply is mentally incompetent, the application may be made on his behalf by his parent, conservator, or guardian or by any other individual authorized to administer his estate.

(2) (a) In order to be eligible for compensation under this part 1, the applicant shall submit reports, if reasonably available, from any physician who has treated or examined the victim at the time of or subsequent to the victim's injury or death. The report shall be in relation to the injury for which compensation is claimed. If, in the opinion of the board, reports on the previous medical history of the victim, a report on the examination of the injured victim, or the report on the cause of death of the victim by a medical expert would be of material aid to its determination, the board may order the reports.

(b) In order to be eligible for compensation for property damage under this part 1, the applicant shall submit a report or case number, if reasonably available, from a law enforcement agency which shall set forth the nature of the property damage which is the result of a compensable crime.

(3) If the applicant makes any false statement as to a material fact, he shall be ineligible for an award pursuant to this part 1.

HISTORY: Source: L. 81: Entire article added, p. 1137, § 5, effective July 1.L. 83: (2) amended, p. 669, § 17, effective July 1.L. 84: Entire section amended, p. 657, § 8, effective May 14.

ANNOTATION

A crime victim compensation board (CVCB) is not prohibited from compensating a crime victim for wages the victim expects to lose in the future. A CVCB may reimburse a crime victim for lost wages without specifying whether that amount includes only wages lost in the past, or wages that will be lost in the future. *People v. Bohn*, 2015 COA 178, -- P.3d --.

24-4.1-106. Hearings

(1) The board, in its discretion, may conduct a hearing upon any application submitted to it. All hearings conducted by the board and appeals therefrom shall be held pursuant to [sections 24-4-105](#) and [24-4-106](#).

(2) The burden of proof is upon the applicant to show that the claim is reasonable and is compensable under the terms of this part 1. The standard of proof is by a preponderance of the evidence.

(3) If a person has been convicted of an offense with respect to an act on which a claim is based, proof of that conviction shall be taken as conclusive evidence that the offense has been committed, unless an appeal or a proceeding with regard to it is pending. The fact that the identity of the assailant is unknown or that the assailant has not been prosecuted or convicted shall not raise a presumption that the claim is invalid.

(4) Orders and decisions of the board are final.

(5) Review of an order or decision of the board may be made in accordance with the Colorado rules of civil procedure.

HISTORY: Source: L. 81: Entire article added, p. 1137, § 5, effective July 1.L. 84: Entire section amended, p. 658, § 9, effective May 14.

ANNOTATION

A crime victim compensation board (CVCB) is not prohibited from compensating a crime victim for wages the victim expects to lose in the future. A CVCB may reimburse a crime victim for lost wages without specifying whether that amount includes only wages lost in the past, or wages that will be lost in the future. *People v. Bohn*, 2015 COA 178, -- P.3d --.

24-4.1-107. Regulations

In the performance of its functions, the board, pursuant to article 4 of this title, is authorized to make, rescind, and amend regulations prescribing the procedures to be followed in the filing of applications and in proceedings under this part 1.

HISTORY: Source: L. 81: Entire article added, p. 1137, § 5, effective July 1. L. 84: Entire section amended, p. 658, § 10, effective May 14.

24-4.1-107.5. Confidentiality of materials - definitions

(1) For purposes of this section, unless the context otherwise requires:

(a) "In camera review" means the judge views the material in private, without either party present.

(b) "Materials" means any records, claims, writings, documents, or information.

(2) Any materials received, made, or kept by a board or a district attorney to process a claim on behalf of a crime victim under this article are confidential. The district attorney shall have standing in any action to oppose the disclosure of any such materials. A board shall not provide through discovery in any civil or criminal action any exhibits, medical records, psychological records, counseling records, work records, criminal investigation records, criminal court case records, witness statements, telephone records, and other records of any type or nature whatsoever gathered for the purpose of evaluating whether to compensate a victim except:

(a) In the event of the review by the court of an order or decision of the board pursuant to [section 24-4.1-106](#), and then only to the extent narrowly and necessary to obtain court review; or

(b) Upon a strict showing to the court in a separate civil or a criminal action that particular information or documents are known to exist only in board records. The court may inspect in camera such records to determine whether the specific requested information exists. If the court determines that the specific information sought exists in the board's records, the documents may then be released only by court order if the court finds as part of its order that the documents will not pose any threat to the safety or welfare of the victim or any other person whose identity may appear in the board's records, or violate any other privilege or confidentiality right.

(3) In a proceeding for determining the amount of restitution, if the defendant's request is not speculative and is based on an evidentiary hypothesis that warrants an in camera review to rebut the presumption established in [section 18-1.3-603, C.R.S.](#), the court may release additional information contained in the records of the board only after an in camera review and additionally finding that the information:

(a) Is necessary for the defendant to dispute the amount claimed for restitution; and

(b) Will not pose any threat to the safety or welfare of the victim, or any other person whose identity may appear in the board's records, or violate any other privilege or confidentiality right.

HISTORY: Source: L. 2000: Entire section added, p. 242, § 7, effective March 29. L. 2015: Entire section amended, (HB 15-1035), ch. 60, p. 144, § 2, effective March 30.

ANNOTATION

Because an in camera review of confidential or privileged records is only required when disclosure is "necessary" to resolve a pending issue, court did not err in denying defendant's request for in camera review of victim's mental health record. Defendant must show that his or her request is not speculative and that an evidentiary hypothesis would disprove all or part of the prosecution's restitution request on the basis that the requested amounts were not proximately caused by defendant's conduct. *People v. Rivera*, 250 P.3d 1272 (Colo. App. 2010).

24-4.1-108. Awarding compensation

(1) A person is entitled to an award of compensation under this part 1 if:

(a) The person is a victim or a dependent of a victim or a successor in interest under the "Colorado Probate Code" of a victim of a compensable crime which was perpetrated on or after July 1, 1982, and which resulted in a loss;

(b) The appropriate law enforcement officials were notified of the perpetration of the crime allegedly causing the death of or injury to the victim within seventy-two hours after its perpetration, unless the board finds good cause exists for the failure of notification;

(c) The applicant has cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant or the board has found good cause exists for the failure to cooperate;

(d) Repealed.

(e) The death of or injury to the victim was not substantially attributable to his wrongful act or substantial provocation of his assailant; and

(f) The application for an award of compensation under this part 1 is filed with the board within one year of the date of injury to the victim or within such further extension of time as the board, for good cause shown, allows. For purposes of this paragraph (f), "good cause" may include but is not limited to circumstances in which a crime has remained unsolved for more than one year.

(1.5) A person is entitled to an award of compensation for property damage under this part 1 if:

(a) The person is a victim of a compensable crime which was perpetrated on or after July 1, 1983, and which resulted in property damage;

(b) The appropriate law enforcement officials were notified of the perpetration of the crime causing property damage within seventy-two hours after its perpetration, unless the board finds good cause exists for the failure of notification;

(c) The applicant has cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant or the board has found good cause exists for the failure to cooperate; and

(d) The application for an award of compensation for property damage under this part 1 is filed with the board within six months of the date of property damage or within such further extension of time as the board, for good cause shown, allows.

(2) The board may waive any of the requirements set forth in this section, or the limitations set forth in [section 24-4.1-109 \(1\)](#), or order a denial or reduction of an award if, in the interest of justice, it is so required.

(3) Upon a finding by the board that compensation should be awarded, the board shall submit a statement of award to the court administrator who shall remit payment in accordance with the statement of award.

(4) Consistent with approved standards established pursuant to [section 24-4.1-117.3 \(3\)](#) for the administration of crime victim compensation funds, the board may develop policies to ensure that primary victims are compensated and to ensure that available moneys in the fund are not exceeded.

HISTORY: Source: L. 81: Entire article added, p. 1138, § 5, effective July 1.L. 83: (2)(a) and (1)(f) amended and (1.5) added, pp. 668, 669, 854, § § 14, 18, 2, effective July 1.L. 84: IP(1), (1)(f), IP(1.5), and (1.5)(d) amended, pp. 658, 1120, § § 11, 20, effective May 14.L. 85: (2) amended, p. 792, § 2, effective April 11.L. 89: (1)(d) repealed, p. 1016, § 3, effective April 23.L. 95: (4) added, p. 1401, § 2, effective July 1.L. 2009: (4) amended, ([SB 09-047](#)), [ch. 129, p. 556, § 4](#), effective July 1.L. 2012: (1)(f) amended, ([HB 12-1053](#)), [ch. 244, p. 1158, § 4](#), effective August 8.

Cross references: For the "Colorado Probate Code", see articles 10 to 17 of title 15.

24-4.1-109. Losses compensable

(1) Losses compensable under this part 1 resulting from death of or injury to a victim include:

(a) Reasonable medical and hospital expenses and expenses incurred for dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices;

(b) Loss of earnings;

(c) Outpatient care;

(d) Homemaker and home health services;

(e) Burial expenses;

(f) Loss of support to dependents;

(g) Mental health counseling;

(h) Household support; except that household support is only available to a dependent when:

(I) The offender is accused of committing the criminally injurious conduct that is the basis of the dependent's claim under this article;

(II) As a result of the criminal event, the offender vacated any home the offender shared with the dependent; and

(III) The dependent provides verification of dependency on the offender at the time of the criminal event.

(1.5) (a) Losses compensable under this part 1 resulting from property damage include:

(I) (A) Repair or replacement of property damaged as a result of a compensable crime; or

(B) Payment of the deductible amount on a residential insurance policy;

(II) Any modification to the victim's residence that is necessary to ensure victim safety; and

(III) The rekeying of a motor vehicle or other lock that is necessary to ensure the victim's safety.

(b) (Deleted by amendment, L. 98, p. 517, § 2, effective April 30, 1998.)

(2) Compensable losses do not include:

(a) Pain and suffering or property damage other than residential property damage or rekeying a lock pursuant to subparagraph (III) of paragraph (a) of subsection (1.5) of this section; or

(b) Aggregate damages to the victim or to the dependents of a victim exceeding thirty thousand dollars.

(c) Repealed.

HISTORY: Source: L. 81: Entire article added, p. 1138, § 5, effective July 1.L. 83: (2)(a) and (2)(b) amended and (1.5) added, pp. 670, 854, § § 19, 3, effective July 1.L. 84: Entire section amended, p. 659, § 12, effective May 14.L. 85: (1)(g) added, p. 792, § 3, effective June 6.L. 89: (1.5)(a)(II) amended, p. 1016, § 1, effective April 23.L. 93: (2) amended, p. 2051, § 1, effective June 9.L. 98: (1.5) and (2)(b) amended, p. 517, § 2, effective April 30.L. 2015: (1)(h) and (1.5)(a)(III) added, (1.5)(a)(I)(B), (1.5)(a)(II), (2)(a), and (2)(b) amended, and (2)(c) repealed, (HB 15-1035), ch. 60, p. 145, § 3, effective March 30.

ANNOTATION

A crime victim compensation board (CVCB) is not prohibited from compensating a crime victim for wages the victim expects to lose in the future. A CVCB may reimburse a crime victim for lost wages without specifying whether that amount includes only wages lost in the past, or wages that will be lost in the future. *People v. Bohn*, 2015 COA 178, -- P.3d --.

Because the general assembly did not include specific language prohibiting a CVCB from paying a claimant for wages that will be lost after the date of the CVCB's payments, the general assembly did not intend to prohibit the payment of future lost wages. *People v. Bohn*, 2015 COA 178, -- P.3d --.

24-4.1-110. Recovery from collateral source

(1) The board shall deduct from compensation it awards under this part 1 any payments received by the applicant from the offender or from a person on behalf of the offender, from the United States or any state, or any subdivision or agency thereof, from a private source, or from an emergency award under this part 1 for injury or death compensable under this part 1, excluding death or pension benefits.

(2) If compensation is awarded under this part 1 and the person receiving it also receives a collateral sum under subsection (1) of this section which has not been deducted from it, he shall refund to the board the lesser of the sums or the amount of compensation paid to him under this part 1 unless the aggregate of both sums does not exceed his losses. The fund shall be the payor of last resort.

(3) If a defendant is ordered to pay restitution under article 18.5 of title 16, C.R.S., to a person who has received compensation awarded under this part 1, an amount equal to the compensation awarded shall be transmitted from such restitution to the board for allocation to the fund.

HISTORY: Source: L. 81: Entire article added, p. 1139, § 5, effective July 1.L. 83: Entire section amended, p. 670, § 20, effective July 1.L. 84: (1)(b) amended, p. 659, § 13, effective May 14.L. 98: (3) amended, p. 823, § 33, effective August 5.L. 2000: (3) amended, p. 1051, § 20, effective September 1.L. 2006: (2) amended, p. 422, § 5, effective April 13.

24-4.1-111. Compensation to relatives

(1) A relative of a victim, even though he was not a dependent of the victim, is eligible for compensation for reasonable medical or burial expenses for the victim, if:

(a) Such expenses were paid by him; and

(b) He files a claim in the manner provided in this part 1.

HISTORY: Source: L. 81: Entire article added, p. 1139, § 5, effective July 1.L. 84: (1)(b) amended, p. 659, § 14, effective May 14.

24-4.1-112. Emergency awards

(1) The board may order an emergency award to the applicant pending a final decision in the claim if it appears to the board, prior to taking action upon the claim, that undue hardship will result to the applicant if immediate payment is not made. Awards pursuant to this section are intended to cover expenses incurred by crime victims in meeting their immediate short-term needs. The amount of such award shall not exceed two thousand dollars and shall be deducted from any final award made as a result of the claim.

(2) If the amount of such emergency award exceeds the sum the board would have awarded pursuant to this part 1, such excess shall be repaid by the recipient.

HISTORY: Source: L. 81: Entire article added, p. 1139, § 5, effective July 1.L. 84: (2) amended, p. 659, § 15, effective May 14.L. 98: (1) amended, p. 518, § 3, effective April 30.L. 2015: (1) amended, (HB 15-1035), ch. 60, p. 146, § 4, effective March 30.

24-4.1-113. Fees

No fee may be charged to the applicant by the board in any proceeding under this article.

HISTORY: Source: L. 81: Entire article added, p. 1139, § 5, effective July 1.

24-4.1-114. Assignment, attachment, or garnishment of award

No compensation payable under this article, prior to actual receipt thereof by the person or beneficiary entitled thereto or his legal representative, shall be assignable or subject to execution, garnishment, attachment, or any other process, including process to satisfy an order or judgment for support or alimony.

HISTORY: Source: L. 81: Entire article added, p. 1139, § 5, effective July 1.

24-4.1-114.5. Limitations on characterization of award as income

No compensation payable to an applicant under this part 1 shall be included in the applicant's income for purposes of the Colorado income tax imposed in article 22 of title 39, C.R.S.; nor shall it be considered as income, property, or support for the purposes of determining the eligibility of the applicant for public assistance or the amount of assistance payments pursuant to [section 26-2-108, C.R.S.](#)

HISTORY: Source: L. 83: Entire section added, p. 856, § 1, effective July 1. L. 84: Entire section amended, p. 659, § 16, effective May 14. L. 87: Entire section amended, p. 1452, § 28, effective June 22.

ANNOTATION

Law reviews. For article, "Trust Protection of Personal Injury Recoveries from Public Creditors", see 19 Colo. Law. 2187 (1990).

24-4.1-115. Survival of rights

The rights to compensation created by this part 1 are personal and shall not survive the death of the person or beneficiary entitled to them; except that, if death occurs after an application for compensation has been filed with the board, the proceeding shall not abate but may be continued by the legal representative of the decedent's estate.

HISTORY: Source: L. 81: Entire article added, p. 1139, § 5, effective July 1. L. 84: Entire section amended, p. 660, § 17, effective May 14.

24-4.1-116. Subrogation

The acceptance of an award made pursuant to this part 1 shall subrogate the state, to the extent of such award, to any right or right of action accruing to the applicant.

HISTORY: Source: L. 81: Entire article added, p. 1139, § 5, effective July 1. L. 84: Entire section amended, p. 660, § 18, effective May 14.

24-4.1-117. Fund created - control of fund

(1) The crime victim compensation fund is hereby established in the office of the court administrator of each judicial district for the benefit of eligible applicants under this part 1.

(1.5) In any judicial district where a separate juvenile court exists, all moneys collected by such juvenile court shall be deposited in the fund and administered by the district court administrator.

(2) The fund shall consist of all moneys paid as a cost or surcharge levied on criminal actions, as provided in [section 24-4.1-119](#); any federal moneys available to state or local governments for victim compensation; all moneys received from any action or suit to recover damages from an assailant for a compensable crime which was the basis for an award of, and limited to, compensation received under this part 1; and any restitution paid by an assailant to a victim for damages for a compensable crime which was the basis for an award received under this part 1 and for damages for which the victim has received an award of, and limited to, compensation received under this part 1.

(3) All moneys deposited in the fund shall be deposited in an interest-bearing account, which shall be no less secure than those used by the state treasurer, and which shall yield the highest interest possible. All interest earned by moneys in the fund shall be credited to the fund.

(4) At the conclusion of each fiscal year, all moneys remaining in the fund shall remain in the fund for use the succeeding year.

(5) All moneys deposited in the fund shall be used solely for the compensation of victims pursuant to this part 1; except that the district attorney and the court administrator may use an aggregate of no more than twelve and one-half percent of the total amount of moneys in the crime victim compensation fund for administrative costs incurred pursuant to this part 1. The district attorney shall be permitted to use no more than ten percent of the total amount of moneys in the fund for administrative costs. The court administrator shall be permitted to use no more than two and one-half percent of the total amount of moneys in the fund for administrative costs.

(6) Grants of federal funds that are accepted pursuant to this part 1 for the purpose of assisting crime victims shall not be used to supplant state funds available to assist crime victims.

HISTORY: Source: L. 81: Entire article added, p. 1139, § 5, effective July 1. L. 84: (1), (2), and (5) amended, p. 660, § 19, effective May 14. L. 85: (6) added, p. 793, § 4, effective April 11. L. 89: (5) amended, p. 1016, § 2, effective April 23. L. 98: (5) amended, p. 518, § 4, effective April 30. L. 2007: (2) amended, p. 1112, § 2, effective July 1.

24-4.1-117.3. Crime victim services advisory board - creation - duties

(1) There is hereby created in the division of criminal justice in the department of public safety the crime victim services advisory board, referred to in this section as the "advisory board". The advisory board shall exercise its powers and perform its duties and functions under the division of criminal justice in the department of public safety and the executive director of the department of public safety, referred to in this section as the "executive director", as if the same were transferred to the department of public safety by a type 2

transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.

(2) (a) The advisory board shall consist of at least seventeen members appointed by the executive director, including but not limited to:

(I) A judge;

(II) An elected district attorney, the assistant district attorney, or a chief deputy district attorney;

(III) A member of a crime victim compensation board created in [section 24-4.1-103](#);

(IV) A member of a local victims and witnesses assistance and law enforcement board created in [section 24-4.2-101](#);

(V) An administrator of crime victim compensation from a district attorney's office;

(VI) An administrator of victims and witnesses assistance from a district attorney's office;

(VII) A representative of a statewide victims' organization;

(VIII) A judicial district administrator or judicial district representative;

(IX) A representative of a domestic violence program;

(X) A representative of a sexual assault program;

(XI) A sheriff or sheriff's representative;

(XII) A police chief or police representative;

(XIII) A deputy district attorney;

(XIV) A victim of a crime of violence; and

(XV) Three members of the community at large.

(b) The executive director may consider geographic diversity when making appointments to the advisory board.

(c) The term of office for each member of the advisory board shall be three years; except that, of the members first appointed, six members shall be appointed to serve one-year terms and six members shall be appointed to serve two-year terms.

(d) Members of the advisory board shall serve at the pleasure of the executive director or until the member no longer serves in the position for which he or she was appointed to the advisory board, at which time a vacancy shall be deemed to exist on the advisory board. If a vacancy arises on the advisory board, the executive director shall appoint an appropriate person to serve for the remainder of the unexpired term.

(e) The executive director shall appoint the initial members of the advisory board on or before August 1, 2009. The executive director may reappoint a person to serve an unlimited number of consecutive terms. The executive director shall annually appoint a chairperson of the advisory board who shall preside over the advisory board's meetings.

(f) Members of the advisory board shall serve without compensation but may be reimbursed for actual travel expenses incurred in the performance of their duties.

(3) The advisory board's powers and duties shall include, but need not be limited to, the following:

(a) To develop and revise, when necessary, standards for the administration of the crime victim compensation fund established in [section 24-4.1-117](#) in each judicial district and the victims and witnesses assistance and law enforcement fund established in [section 24-4.2-103](#) in each judicial district, and to develop, revise when necessary, and impose sanctions for violating these standards;

(b) To review, pursuant to [section 24-4.1-303 \(17\)](#), any reports of noncompliance with this article;

(c) To distribute profits from crime pursuant to [section 24-4.1-201](#);

(d) To advise and make recommendations to the division of criminal justice in the department of public safety concerning the award of grants pursuant to [sections 24-33.5-506](#) and [24-33.5-507](#); and

(e) To establish subcommittees of the advisory board from within the membership of the advisory board, which subcommittees shall include, but need not be limited to:

(I) A standards subcommittee that shall make recommendations to the advisory board concerning the development and revision, when necessary, of standards and sanctions for the violation of standards to assist the advisory board in implementing paragraph (a) of this subsection (3); and

(II) A victim rights subcommittee that shall review, pursuant to [section 24-4.1-303 \(17\)](#), any reports of noncompliance with this article to assist the advisory board in implementing paragraph (b) of this subsection (3).

(4) The advisory board shall not release to the public any records submitted to or generated by the advisory board or a subcommittee of the advisory board for the purposes of the advisory board's or the subcommittee's review, pursuant to paragraph (b) of subsection (3) of this section, of a report of noncompliance with this article until the report of noncompliance has been reviewed and resolved by the advisory board. The advisory board shall redact all victim-identifying information from any document released to the public.

HISTORY: Source: L. 2009: Entire section added, ([SB 09-047](#)), ch. 129, p. 553, § 1, effective July 1.

24-4.1-117.5. Standards for administration of funds - sanctions. (Repealed)

HISTORY: Source: L. 90: Entire section added, p. 1180, § 3, effective July 1.L. 93: Entire section amended, p. 2051, § 2, effective June 9.L. 95: (2)(b)(I) amended, p. 1401, § 3, effective July 1.L. 2009: Entire section repealed, ([SB 09-047](#)), [ch. 129](#), p. 558, § 10, effective July 1.

24-4.1-118. Court administrator custodian of fund - disbursements

The court administrator of each judicial district shall be the custodian of the fund, and all disbursements from the fund shall be paid by him upon written authorization of the board or the court.

HISTORY: Source: L. 81: Entire article added, p. 1140, § 5, effective July 1.

24-4.1-119. Costs and surcharges levied on criminal actions and traffic offenses

(1) (a) Except as provided in paragraphs (c) and (d) of this subsection (1), a cost of one hundred sixty-three dollars for felonies, seventy-eight dollars for misdemeanors, forty-six dollars for class 1 misdemeanor traffic offenses, and thirty-three dollars for class 2 misdemeanor traffic offenses is hereby levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided for in [section 18-1.3-102, C.R.S.](#), which criminal action is charged pursuant to state statute. These costs shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the costs so received to the court administrator of the judicial district in which the offense occurred for credit to the crime victim compensation fund established in that judicial district.

(b) The costs required by paragraph (a) of this subsection (1) shall not be levied on criminal actions which are charged pursuant to the penalty assessment provisions of [section 42-4-1701, C.R.S.](#), or to any violations of articles 1 to 15 of title 33, C.R.S.

(c) A cost of thirty-three dollars is hereby levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided for in [section 18-1.3-102, C.R.S.](#), of a violation of [section 42-4-1301 \(1\) or \(2\), C.R.S.](#) This cost shall be paid to the clerk of the court, who shall deposit the same in the crime victim compensation fund established in [section 24-4.1-117](#).

(d) A cost, in an amount determined pursuant to paragraph (a) of this subsection (1), is hereby levied on every action upon the filing of a petition alleging a child is delinquent which results in a finding of guilty pursuant to part 8 of article 2 of title 19, C.R.S., or a deferral of adjudication pursuant to [section 19-2-709, C.R.S.](#) This cost shall be paid to the clerk of the court, who shall deposit the same in the fund established in [section 24-4.1-117](#).

(e) Repealed.

(f) (I) A surcharge is hereby levied against each penalty assessment imposed for a violation of a class A or class B traffic infraction or class 1 or class 2 misdemeanor traffic offense pursuant to [section 42-4-1701, C.R.S.](#) The amount of the surcharge shall be one half of the amount specified in the penalty and surcharge schedule in [section 42-4-1701 \(4\), C.R.S.](#), or, if no surcharge amount is specified, the surcharge shall be calculated as thirty-seven percent of the penalty imposed. All moneys collected by the department of revenue

pursuant to this paragraph (f) shall be transmitted to the court administrator of the judicial district in which the infraction occurred for credit to the crime victim compensation fund established in that judicial district as provided in [section 42-1-217, C.R.S.](#)

(II) All calculated surcharge amounts pursuant to this paragraph (f) resulting in dollars and cents shall be rounded down to the nearest whole dollar.

(III) The surcharges levied pursuant to this paragraph (f) are separate and distinct from surcharges levied pursuant to [section 24-4.2-104](#) for the victims and witnesses assistance and law enforcement fund.

(1.5) A cost or surcharge levied pursuant to this section may not be suspended or waived by the court unless the court determines that the defendant against whom the cost or surcharge is levied is indigent.

(2) For purposes of determining the order of priority for payments required of a defendant pursuant to [section 18-1.3-204 \(2.5\), C.R.S.](#), the payments to the victim compensation fund required under this part 1 shall be the first obligation of the defendant.

(3) The provisions of [sections 18-1.3-701 and 18-1.3-702, C.R.S.](#), shall be applicable as to the collection of costs levied pursuant to this part 1.

HISTORY: Source: L. 81: Entire article added, p. 1140, § 5, effective July 1.L. 82: (1) amended, p. 364, § 2, effective March 22; (1)(a) amended and (1)(c) added, p. 604, § 5, effective July 1.L. 83: (1)(a) amended and (1)(d) added, p. 668, § 15, effective July 1.L. 84: (1)(a), (2), and (3) amended, pp. 660, 923, 1120, § § 20, 15, 21, effective July 1.L. 85: (1)(a) amended, p. 793, § 5, effective April 11.L. 86: (1)(a) amended and (1)(e) added, p. 871, § 1, effective July 1.L. 87: (1)(d) and (1)(a) amended and (1)(e) repealed, pp. 819, 1496, 1529, § § 32, 6, 74, effective July 1.L. 93: (1) amended, p. 2053, § 3, effective June 9.L. 94: (1)(c) and (1)(d) amended, p. 1637, § 48, effective May 31; (1)(b) and (1)(c) amended, p. 2555, § 51, effective January 1, 1995.L. 96: (1)(d) amended, p. 1695, § 35, effective January 1, 1997.L. 2002: (1)(a), (1)(c), (2), and (3) amended, p. 1529, § 239, effective October 1.L. 2007: (1)(a) and (1)(c) amended and (1)(f) added, p. 1111, § 1, effective July 1.L. 2010: (1)(f)(II) amended and (1.5) added, ([HB 10-1265](#)), [ch. 178, p. 641, § 1](#), effective April 29.

Editor's note: Amendments to subsection (1)(c) by Senate Bill 94-001 and Senate Bill 94-206 were harmonized.

Cross references: (1) For additional costs imposed on criminal actions and traffic offenses, see [§ 24-4.2-104](#); for additional costs levied on alcohol- and drug-related traffic offenses, see [§ § 42-4-1301 \(7\)\(d\) and \(7\)\(g\), 42-4-1301.4 \(5\), and 43-4-402](#).

(2) For the legislative declaration contained in the 2002 act amending subsections (1)(a), (1)(c), (2), and (3), see section 1 of chapter 318, Session Laws of Colorado 2002.

ANNOTATION

Payment of victim compensation costs does not violate principles of double jeopardy. Costs are not a form of punishment but are essentially civil and are not traditionally considered to be punishment, and the imposition of costs generally does not serve the goals of retribution and deterrence. *People v. McQuarrie*, 66 P.3d 181 (Colo. App. 2002).

24-4.1-120. Effective dates of provisions of this article

Sections 24-4.1-117 to 24-4.1-120 originally took effect July 1, 1981. Sections 24-4.1-101 to 24-4.1-116 originally took effect July 1, 1982.

HISTORY: Source: L. 81: Entire article added, p. 1140, § 5, effective July 1.

24-4.1-121. Repeal. (Repealed)

HISTORY: Source: L. 81: Entire article added, p. 1140, § 5, effective July 1. L. 85: Entire section repealed, p. 794, § 7, effective April 11.

24-4.1-122. Reports

On or before October 1, 1985, and on or before each October 1 thereafter, the court administrator of each judicial district shall report to the state court administrator the amount of moneys collected by the judicial district in the prior fiscal year and the amount of moneys distributed to crime victims in the prior fiscal year by the board.

HISTORY: Source: L. 85: Entire section added, p. 793, § 6, effective April 11.

24-4.1-123. When redistribution of moneys required. (Repealed)

HISTORY: Source: L. 85: Entire section added, p. 793, § 6, effective April 11. L. 2002: Entire section repealed, p. 48, § 1, effective March 21.

24-4.1-124. State crime victim compensation fund - creation - allocation of moneys. (Repealed)

HISTORY: Source: L. 85: Entire section added, p. 794, § 6, effective April 11. L. 98: (2) amended, p. 518, § 5, effective April 30. L. 2002: Entire section repealed, p. 48, § 2, effective March 21.