

SEVENTH JUDICIAL DISTRICT

AMENDED ADMINISTRATIVE ORDER NO. 2000-4

[Restitution to be paid first in priority]

WHEREAS, on February 14, 2000, the undersigned issued Administrative Order No. 2000-4 for the purpose of clarifying the priorities in applying payments made by offenders toward restitution and court costs and other statutory fees;

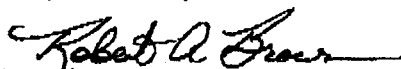
AND WHEREAS, said Administrative Order was entered in reliance on the provisions of C.R.S. 16-11-204(2.5) with the intention of implementing a policy that payments from offenders to be applied first on restitution ahead of all other costs and fees;

AND WHEREAS, it has now been brought to the attention of the undersigned that C.R.S. 24-4.1-119(2) mandates that in determining the priority of payments required of offenders under C.R.S. 16-11-204(2.5), costs levied for the victim compensation fund are to be the first obligation of an offender;

AND WHEREAS, the undersigned concludes that based upon the statutory provisions in C.R.S. 24-4.1-119(2), it was improper to establish a general policy within the district of subordinating all costs and fees, including victim compensation, to restitution in every case; rather C.R.S. 24-4.1-119(2) should be followed as a general rule, subject to a case-by-case determination by the sentencing judge, as to the application of payments made by an offender to satisfy the sentence imposed upon him or her.

NOW THEREFORE, Administrative Order No. 2000-4 is amended to provide that as a general policy, judges within the Seventh Judicial District shall comply with the terms of C.R.S. 24-4.1-119(2), except that in appropriate circumstances (considering the amount of restitution owed, the personal and economic circumstances of the victim, the time reasonably required to satisfy the offender's restitution obligation, and other relevant information), a sentencing judge, exercising sound discretion, shall have authority on a case-by-case basis, either to stay or defer temporarily or to waive entirely, an offender's obligation to pay the victim compensation fund, in favor of the offender's obligation to pay restitution for the benefit of the victim(s) of his offense(s), and then to apply the offender's payments to other fees and costs as contemplated by law after restitution has been satisfied. Orders seeking to require the application of payments to restitution first shall be based upon appropriate findings of fact, and shall be provided to the appropriate clerks of court, or their deputies, to the District's account clerks and probation officers, and to collection investigators for implementation of the sentencing order.

DONE BY THE COURT, This 15th day of March, 2000.



Robert A. Brown, Chief Judge, 7th Judicial District

cc: JDA-EJC for distribution