

Document 1 of 1

Source:

Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/WITNESSES/ARTICLE 90
WITNESSES/PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR
HARD OF HEARING

PART 2
APPOINTMENT OF INTERPRETERS FOR PERSONS
WHO ARE DEAF OR HARD OF HEARING

Editor's note: This article was originally enacted as article 3 of chapter 16 in C.R.S. 1963. The substantive provisions of this part 2 were repealed and reenacted in 1987, causing some addition, relocation, and elimination of sections as well as subject matter. For prior amendments, consult the red book table distributed with the session laws; the original volume of C.R.S. 1973, and annual supplements to that volume; the original comparative table located in the back of the index; and C.R.S. 1963.

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Document 1 of 10

Source:

Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/WITNESSES/ARTICLE 90
WITNESSES/PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR
HARD OF HEARING/13-90-201. Legislative declaration.

13-90-201. Legislative declaration.

The general assembly hereby finds and declares that it is the policy of this state to secure the rights of persons who are deaf or hard of hearing and cannot readily hear or understand or communicate in spoken language and who consequently cannot equally participate in or benefit from proceedings of the courts or any board, commission, agency, or licensing or law enforcement authority of the state or any of its political subdivisions unless qualified interpreters or auxiliary services are available to assist them.

Source: L. 87: Entire part R&RE, p. 570, § 1, effective April 23. L. 2006: Entire section amended, p. 1086, § 1, effective May 25.

Editor's note: Section 14 of chapter 238, Session Laws of Colorado 2006, provides that amendments to this section are effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Said bill was signed by the governor May 25, 2006.

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Document 2 of 10

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Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/WITNESSES/ARTICLE 90 WITNESSES/PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING/13-90-202. Definitions.

13-90-202. Definitions.

As used in this part 2, unless the context otherwise requires:

(1) "Appointing authority" means the presiding officer or similar official of any court, board, commission, agency, or licensing or law enforcement authority of the state or any of its political subdivisions.

(2) "Assistive listening device" means an amplification system that operates in conjunction with a hearing aid to increase the volume of sounds for the hearing aid only.

(3) "Auxiliary services" means those aids and services that assist in effective communication with a person who is deaf or hard of hearing, including but not limited to:

(a) The provision of a computer-aided realtime translations (CART) reporter;

(b) The provision of an assistive listening device; or

(c) The acquisition or modification of equipment or devices to assist in effective communication with a person who is deaf or hard of hearing.

(4) "Commission" means the Colorado commission for the deaf and hard of hearing in the department of human services created in section [26-21-104](#), C.R.S.

(5) "Computer-aided realtime translation (CART) reporter" means a word-for-word speech-to-text translation service for people who are deaf or hard of hearing.

(6) "Deaf or hard of hearing" means a person who has a functional hearing loss of sufficient severity to prevent aural comprehension, even with the assistance of hearing aids.

(7) "Effective communication" means those methods of communication that are individualized and culturally appropriate to a person who is deaf or hard of hearing so that he or she can easily understand all auditory information.

(8) "Qualified interpreter" means a person who has a valid certification of competency accepted by the commission and includes, but is not limited to, oral interpreters, sign language interpreters, and intermediary interpreters.

Source: L. 87: Entire part R&RE, p. 570, § 1, effective April 23. **L. 94:** (4) amended, p. 2642, § 93, effective July 1. **L. 2006:** Entire section amended, p. 1086, § 2, effective May 25.

Editor's note: Section 14 of chapter 238, Session Laws of Colorado 2006, provides that amendments to this section are effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Said bill was signed by the governor May 25, 2006.

Cross references: For the legislative declaration contained in the 1994 act amending subsection (4), see section 1 of chapter 345, Session Laws of Colorado 1994.

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Document 3 of 10

Source:

Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/WITNESSES/ARTICLE 90 WITNESSES/PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING/13-90-203. Powers and duties of the department of human services.

13-90-203. Powers and duties of the department of human services.

The department of human services shall promulgate rules pursuant to article 4 of title 24, C.R.S., which have been proposed by the commission as necessary for the implementation of this part 2. The rule-making process shall be open and available for input from the public, including but not limited to interpreters and consumers of interpreter services.

Source: L. 87: Entire part R&RE, p. 571, § 1, effective April 23. **L. 94:** Entire section amended, p. 2642, § 94, effective July 1. **L. 2006:** Entire section amended, p. 1087, § 3, effective May 25.

Editor's note: Section 14 of chapter 238, Session Laws of Colorado 2006, provides that amendments to this section are effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Said bill was signed by the governor May 25, 2006.

Cross references: For the legislative declaration contained in the 1994 act amending this section, see section 1 of chapter 345, Session Laws of Colorado 1994.

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Document 4 of 10

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Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/WITNESSES/ARTICLE 90 WITNESSES/PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING/13-90-204. Appointment of interpreter and auxiliary services - when.

13-90-204. Appointment of interpreter and auxiliary services - when.

(1) A qualified interpreter or auxiliary service shall be provided by an appointing authority to interpret the proceedings to a person who is deaf or hard of hearing and to interpret the statements of the person who is deaf or hard of hearing in the following instances:

(a) When a person who is deaf or hard of hearing is present and participating as the principal party of interest or a witness at any civil or criminal proceeding, including but not limited to any criminal or civil court proceeding; a court-ordered or court-provided alternative dispute resolution, mediation, or arbitration; an administrative, commission, or agency hearing; or a hearing of a licensing authority of the state or any of its political subdivisions;

(b) When a person who is deaf or hard of hearing is involved in any stage of grand jury or jury proceedings as a potential or selected juror;

(c) When a juvenile whose parent or parents are deaf or hard of hearing is brought before a court for any reason;

(d) When a person who is deaf or hard of hearing is arrested and taken into custody for an alleged violation of a criminal law of the state or any of its political subdivisions. Such appointment shall be made prior to any attempt to notify the arrestee of his or her constitutional rights and prior to any attempt to interrogate or to take a statement from such person; except that a person who is deaf or hard of hearing and who is otherwise eligible for release shall not be held pending the arrival of a qualified interpreter.

(e) (Deleted by amendment, L. 2006, p. 1088, § 4, effective May 25, 2006.)

(f) When effective communication cannot be established without an auxiliary service and when an alleged victim or witness is a person who is deaf or hard of hearing, who uses sign language for effective communication, and is questioned or otherwise interviewed by a person having a law enforcement or prosecutorial function in any criminal investigation, except where the length, importance, or complexity of the communication does not warrant provision of an auxiliary service. Assessment of whether the length, importance, or complexity of the communication warrants provision of an auxiliary service shall be made in accordance with United States department of justice regulations effectuating Title II of the federal "Americans with Disabilities Act of 1990", including regulations, analysis, and technical assistance.

(g) Nothing in this part 2 shall be construed to provide less than is required by Title II of the federal "Americans with Disabilities Act", 42 U.S.C. sec. 12101, and its implementing regulations.

(2) Nothing contained in this section shall be construed to preclude the use of services of an interpreter in civil proceedings.

Source: L. 87: Entire part R&RE, p. 571, § 1, effective April 23. L. 2006: (1) amended, p. 1088, § 4, effective May 25.

Editor's note: (1) This section was contained in a part that was repealed and reenacted in 1987. Provisions of this section, as it existed in 1987, are similar to those contained in 13-90-201 as said section existed in 1986, the year prior to the repeal and reenactment of this part.

(2) Section 14 of chapter 238, Session Laws of Colorado 2006, provides that amendments to subsection (1) are effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Said bill was signed by the governor May 25, 2006.

ANNOTATION

Am. Jur.2d. See 81 Am. Jur.2d, Witnesses, §§ 281, 722, 848.

Annotator's note. Since § [13-90-204](#) is similar to § 13-91-201 as it existed prior to the 1987 repeal and reenactment of this part 2, a relevant case construing that provision has been included in the annotations to this section.

Effect of violation of statute. Assuming that accuracy is the central purpose of the statute, if a qualified interpreter who was not appointed by a court was translating, the failure to appoint an interpreter should not result in suppression; but if the interpreter was not able to accurately communicate with the defendant, the defendant's statements must be suppressed. *People v. Harper*, 726 P.2d 1129 (Colo. 1986).

Definition of arrest. Whether a person is in custody turns on an objective assessment of whether a reasonable person in the defendant's circumstances would have believed that he was free to leave the officer's presence, not on the officer's subjective state of mind. *People v. Harper*, 726 P.2d 1129 (Colo. 1986).

Only one interpreter required by statute, and defendant's assertion that second interpreter was necessary to assist communications between the defendant and his counsel because appointed interpreter was occupied with interpreting ongoing proceedings was without merit. *People v. Hammons*, 771 P.2d 1 (Colo. App. 1988), cert. denied, 785 P.2d 611 (Colo. 1990).

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Document 5 of 10

Source:

Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/WITNESSES/ARTICLE 90 WITNESSES/PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING/13-90-205. Coordination of interpreter and auxiliary services requests.

13-90-205. Coordination of interpreter and auxiliary services requests.

(1) The commission, in collaboration with the judicial department, shall establish, monitor, coordinate, and publish a list of available resources regarding communication accessibility for persons who are deaf or hard of hearing, including but not limited to qualified interpreters and auxiliary services, for use by an appointing authority pursuant to section [13-90-204](#). Such list shall contain, but not be limited to, the names of private community programs and agencies that secure qualified interpreters and auxiliary services for assignment.

(2) Whenever a qualified interpreter or auxiliary service is required pursuant to section [13-90-204](#), the appointing authority shall secure such interpreter or auxiliary service through the list of available resources made available and coordinated by the commission.

Source: L. 87: Entire part R&RE, p. 571, § 1, effective April 23. L. 94: (1) amended, p. 2642, § 95, effective July 1. L. 2006: Entire section amended, p. 1089, § 5, effective May 25.

Editor's note: Section 14 of chapter 238, Session Laws of Colorado 2006, provides that amendments to this section are effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Said bill was signed by the governor May 25, 2006.

Cross references: For the legislative declaration contained in the 1994 act amending subsection (1), see section 1 of chapter 345, Session Laws of Colorado 1994.

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Document 6 of 10

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Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/WITNESSES/ARTICLE 90 WITNESSES/PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING/13-90-206. Use of an intermediary interpreter.

13-90-206. Use of an intermediary interpreter.

If the qualified interpreter makes a determination that he or she is unable to render a satisfactory interpretation without the aid of an intermediary interpreter, the appointing authority may appoint an intermediary interpreter to assist the qualified interpreter.

Source: L. 87: Entire part R&RE, p. 572, § 1, effective April 23. L. 2006: Entire section amended, p. 1089, § 6, effective May 25.

Editor's note: Section 14 of chapter 238, Session Laws of Colorado 2006, provides that amendments to this section are effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Said bill was signed by the governor May 25, 2006.

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Document 7 of 10

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Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/WITNESSES/ARTICLE 90 WITNESSES/PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING/13-90-207. Requirements to be met prior to commencing proceedings.

13-90-207. Requirements to be met prior to commencing proceedings.

(1) Prior to commencing any proceedings pursuant to section [13-90-204](#) requiring a qualified interpreter or auxiliary service, the following conditions shall be met:

(a) A qualified interpreter shall take an oath that he or she shall make a true interpretation in an understandable manner to the best of his or her skills, but such oath shall only be required if the entity presiding over the proceeding has been given, by statute, the authority to administer such an oath.

(b) The qualified interpreter or auxiliary service shall be in full view and spatially situated to assure effective communication with the person or persons who are deaf or hard of hearing.

(c) The appointing authority shall make a reasonable attempt to provide a qualified interpreter or auxiliary service that is effective to the person who is deaf or hard of hearing.

Source: **L. 87:** Entire part R&RE, p. 572, § 1, effective April 23. **L. 2006:** (1) amended, p. 1089, § 7, effective May 25.

Editor's note: (1) This section was contained in a part that was repealed and reenacted in 1987. Provisions of this section, as it existed in 1987, are similar to those contained in 13-90-203 as said section existed in 1986, the year prior to the repeal and reenactment of this part.

(2) Section 14 of chapter 238, Session Laws of Colorado 2006, provides that amendments to subsection (1) are effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Said bill was signed by the governor May 25, 2006.

ANNOTATION

Am. Jur.2d. See 81 Am. Jur.2d, Witnesses, §§ 708, 709.

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Document 8 of 10

Source:

Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/WITNESSES/ARTICLE 90 WITNESSES/PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING/13-90-208. Waiver.

13-90-208. Waiver.

The right of a person who is deaf or hard of hearing to a qualified interpreter or auxiliary service may not be waived except in writing by the person who is deaf or hard of hearing. Prior to executing such a waiver, a person who is deaf or hard of hearing may have access to counsel for advice and shall have actual, full knowledge of the right to effective communication. Such waiver is subject to the approval of counsel, if any, to the person who is deaf or hard of hearing and is also subject to the approval of the appointing authority. In no event is the failure of the person who is deaf or hard of hearing to request a qualified interpreter or auxiliary service deemed a waiver of this right.

Source: L. 87: Entire part R&RE, p. 572, § 1, effective April 23. L. 2006: Entire section amended, p. 1090, § 8, effective May 25.

Editor's note: Section 14 of chapter 238, Session Laws of Colorado 2006, provides that amendments to this section are effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Said bill was signed by the governor May 25, 2006.

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Document 9 of 10

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Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/WITNESSES/ARTICLE 90 WITNESSES/PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING/13-90-209. Privileged communications.

13-90-209. Privileged communications.

If a qualified interpreter is called upon to interpret privileged communications pursuant to section [13-90-107](#), the interpreter shall not testify without the written consent of the person who holds the privilege.

Source: L. 87: Entire part R&RE, p. 572, § 1, effective April 23.

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Document 10 of 10

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Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/WITNESSES/ARTICLE 90 WITNESSES/PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING/13-90-210. Compensation.

13-90-210. Compensation.

Subject to the appropriations available to the commission, a qualified interpreter or computer-aided realtime translation reporter provided pursuant to section [13-90-204](#) shall be entitled to compensation for his or her services, including waiting time and necessary travel and subsistence expenses. The amount of compensation shall be based on a fee schedule for qualified interpreters and auxiliary services established by the commission.

Source: L. 87: Entire part R&RE, p. 572, § 1, effective April 23. L. 2006: Entire section amended, p. 1090, § 9, effective May 25.

Editor's note: Section 14 of chapter 238, Session Laws of Colorado 2006, provides that amendments to this section are effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Said bill was signed by the governor May 25, 2006.

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Document 1 of 1

Source:

Colorado Statutes/TITLE 26 HUMAN SERVICES CODE/ARTICLE 21 COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING/26-21-106. Powers, functions, and duties of the commission - equipment distribution program.

26-21-106. Powers, functions, and duties of the commission - equipment distribution program.

(1) The powers, functions, and duties of the commission shall include, but not be limited to, the following:

(a) The commission shall serve as a liaison between the deaf and hard of hearing community and the general assembly, governor, and Colorado departments and agencies.

(b) The commission shall serve as an informational resource to the state and the deaf and hard of hearing community.

(c) The commission shall serve as a referral agency for the deaf and hard of hearing community to the state agencies and institutions providing services to such community and to the local agencies of government.

(d) The commission shall assess how technology has affected the needs of the deaf and hard of hearing community. The commission shall assess the type and amount of equipment needed by low-income deaf and hard of hearing persons in order to reasonably interact with society.

(e) The commission shall assess the needs of the deaf and hard of hearing community and recommend to the general assembly any legislation that may facilitate and streamline the provision of general governmental services to the deaf and hard of hearing community. The commission shall consider the following:

(I) The advisability of implementing the commission as a statewide coordinating agency that advocates for deaf and hard of hearing citizens of Colorado;

(II) Any methods, programs, or policies that may improve communication accessibility and quality of existing services, promote or deliver necessary new services, and assist state agencies in the delivery of services to the deaf and hard of hearing;

(III) Any methods, programs, or policies that may make providing access to governmental services more efficient;

(IV) Any methods, programs, or policies that may improve implementation of state policies affecting the deaf and hard of hearing community and their relationship with the general public, industry, health care, and educational institutions.

(2) The commission shall consider the findings of any study authorized under this section and may approve, disapprove, or amend such findings. Upon approval of the findings, the commission shall submit a report with recommendations including proposed legislation, if necessary, to the governor and to the general assembly.

(3) The commission shall establish a telecommunications equipment distribution program that is consistent with the findings of subsection (1) of this section to obtain and distribute interactive telephone equipment needed by deaf and hard of hearing persons and to provide services to the deaf and hard of hearing community.

(4) The commission, in collaboration with the judicial department, shall establish, monitor, coordinate, and publish a list of available resources regarding communication accessibility for persons who are deaf or hard of hearing, including but not limited to qualified interpreters and auxiliary services, for use by an appointing authority pursuant to section [13-90-204](#), C.R.S.

Source: **L. 2000:** Entire article added, p. 1626, § 1, effective June 1. **L. 2002:** (3) added, p. 776, § 1, effective May 30. **L. 2006:** (4) added, p. 1090, § 10, effective May 25.

Editor's note: Section 14 of chapter 238, Session Laws of Colorado 2006, provided that the enactment of subsection (4) is effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Senate Bill 06-218 was signed by the governor May 25, 2006.

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Document 1 of 1

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Colorado Statutes/TITLE 18 CRIMINAL CODE/ARTICLE 1.3 SENTENCING IN CRIMINAL CASES/PART 7 FINES AND COSTS/18-1.3-701. Judgment for costs and fines.

18-1.3-701. Judgment for costs and fines.

(1) Where any person, association, or corporation is convicted of an offense, or any juvenile is adjudicated a juvenile delinquent for the commission of an act that would have been a criminal

offense if committed by an adult, the court shall give judgment in favor of the state of Colorado, the appropriate prosecuting attorney, or the appropriate law enforcement agency and against the offender or juvenile for the amount of the costs of prosecution, the amount of the cost of care, and any fine imposed. No fine shall be imposed for conviction of a felony except as provided in section [18-1.3-401](#). Such judgments shall be enforceable in the same manner as are civil judgments, and, in addition, the provisions of section [16-11-101.6](#), C.R.S., and section [18-1.3-702](#) apply. A county clerk and recorder may not charge a fee for the recording of a transcript or satisfaction of a judgment entered pursuant to this section. Any judgments collected pursuant to this section for fees for interpreters or auxiliary services provided pursuant to section [13-90-204](#), C.R.S., and reimbursed pursuant to section [13-90-210](#), C.R.S., shall be remitted to the Colorado commission for the deaf and hard of hearing in the department of human services created in section [26-21-104](#), C.R.S.

(2) The costs assessed pursuant to subsection (1) of this section or section [16-18-101](#), C.R.S., may include:

(a) Any docket fee required by article [32](#) of title [13](#), C.R.S., or any other fee or tax required by statute to be paid to the clerk of the court;

(b) The jury fee required by section [13-71-144](#), C.R.S.;

(c) Any fees required to be paid to sheriffs pursuant to section [30-1-104](#), C.R.S.;

(d) Any fees of the court reporter for all or any part of a transcript necessarily obtained for use in the case, including the fees provided for in section [16-18-101](#) (2), C.R.S., and including the fees for a transcript of any preliminary hearing;

(d.5) The actual costs paid to any expert witness;

(e) (I) The witness fees and mileage paid pursuant to article [33](#) of title [13](#), C.R.S., and section [16-9-203](#), C.R.S.;

(II) For any person required to travel more than fifty miles from the person's place of residence to the place where specified in the subpoena, in addition to the witness fee and mileage specified in subparagraph (I) of this paragraph (e):

(A) Actual lodging expenses incurred; and

(B) Actual rental car, taxi, or other transportation costs incurred;

(e.5) If a person under eighteen years of age is required to appear, the amount that a parent or guardian of the person was paid for transportation and lodging expenses incurred while accompanying the person;

(f) Any fees for exemplification and copies of papers necessarily obtained for use in the case;

(g) Any costs of taking depositions for the perpetuation of testimony, including reporter's fees, witness fees, expert witness fees, mileage for witnesses, and sheriff fees for service of subpoenas;

(h) Any statutory fees for service of process or statutory fees for any required publications;

(h.5) Any fees for interpreters required during depositions or during trials;

(i) Any item specifically authorized by statute to be included as part of the costs;

(j) On proper motion of the prosecuting attorney and at the discretion of the court, any other reasonable and necessary costs incurred by the prosecuting attorney or law enforcement agency that are directly the result of the prosecution of the defendant, including the costs resulting from the collection and analysis of any chemical test upon the defendant pursuant to section [42-4-1301.1](#), C.R.S., which costs shall be reimbursed by the defendant directly to the law enforcement agency that performed such chemical tests;

(k) Any costs incurred in obtaining a governor's warrant pursuant to section [16-19-108](#), C.R.S.;

(l) Any costs incurred by the law enforcement agency in photocopying reports, developing film, and purchasing videotape as necessary for use in the case;

(m) Any costs of participation in a diversion program if the offender or juvenile unsuccessfully participated in a diversion program prior to the conviction or adjudication.

(3) Where any person, association, or corporation is granted probation, the court shall order the offender to make such payments toward the cost of care as are appropriate under the circumstances. In setting the amount of such payments, the court shall take into consideration and make allowances for any restitution ordered to the victim or victims of a crime, which shall take priority over any payments ordered pursuant to this article, and for the maintenance and support of the offender's spouse, dependent children, or other persons having a legal right to support and maintenance from the estate of the offender. If the court determines that the offender has a sufficient estate to pay all or part of the cost of care, the court shall determine the amount which shall be paid by the offender for the cost of care, which amount shall in no event be in excess of the per capita cost of supervising an offender on probation.

(4) Where any person is sentenced to a term of imprisonment, whether to a county jail or the department of corrections, the court shall order such person to make such payments toward the cost of care as are appropriate under the circumstances. In setting the amount of such payments, the court shall take into consideration and make allowances for any restitution ordered to the victim or victims of a crime, which shall take priority over any payments ordered pursuant to this article, and for the maintenance and support of the inmate's spouse, dependent children, or any other persons having a legal right to support and maintenance out of the offender's estate. The court shall also consider the financial needs of the offender for the six-month period immediately following the offender's release, for the purpose of allowing said offender to seek employment. If

the court determines that the person has a sufficient estate to pay all or part of the cost of care, the court shall determine the amount which shall be paid by the offender, which amount in no event shall be in excess of the per capita cost of maintaining prisoners in the institution or facility in which the offender has been residing prior to sentencing for the purpose of reimbursing the appropriate law enforcement agency and the per capita cost of maintaining prisoners in the department of corrections for the purpose of paying the cost of care after sentencing.

(5) As used in this section, unless the context otherwise requires:

(a) "Cost of care" means the cost to the department or the local government charged with the custody of an offender for providing room, board, clothing, medical care, and other normal living expenses for an offender confined to a jail or correctional facility, or any costs associated with maintaining an offender in a home detention program contracted for by the department of public safety, as determined by the executive director of the department of corrections or the executive director of the department of public safety, whichever is appropriate, or the cost of supervision of probation when the offender is granted probation, or the cost of supervision of parole when the offender is placed on parole by the state board of parole, as determined by the court.

(b) "Estate" means any tangible or intangible properties, real or personal, belonging to or due to an offender, including income or payments to such person received or earned prior to or during incarceration from salary or wages, bonuses, annuities, pensions, or retirement benefits, or any source whatsoever except federal benefits of any kind. Real property that is held in joint ownership or ownership in common with an offender's spouse, while being used and occupied by the spouse as a place of residence, shall not be considered a part of the estate of the offender for the purposes of this section.

(6) After the set-offs for restitution and for maintenance and support as provided in subsection (4) of this section, any amounts recovered pursuant to this section that are available to reimburse the costs of providing medical care shall be used to reimburse the state for the state's financial participation for medical assistance if medical care is provided for the inmate or an infant of a female inmate under the "Colorado Medical Assistance Act", articles 4, 5, and 6 of title [25.5](#), C.R.S.

Source: L. 2002: Entire article added with relocations, p. 1422, § 2, effective October 1. L. 2003: (1) amended, p. 1693, § 1, effective August 6. L. 2006: (1) amended, p. 1091, § 11, effective May 25; (6) amended, p. 2005, § 61, effective July 1.

Editor's note: (1) This section was formerly numbered as 16-11-501.

(2) Section 14 of chapter 238, Session Laws of Colorado 2006, provided that amendments to subsection (1) are effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Said bill was signed May 25, 2006.

Cross references: For items includable as costs in civil actions, see § [13-16-122](#).

ANNOTATION

Am. Jur.2d. See 20 Am. Jur.2d, Costs, §§ 109-111.

Annotator's note. Since § [18-1.3-701](#) is similar to § [16-11-501](#) as it existed prior to the 2002 relocation of certain criminal sentencing provisions and repealed laws antecedent to CSA, C. 48, 516, relevant cases construing those provisions have been included in the annotations to this section.

Constitutionality. Statutes imposing liability for costs on a convicted defendant have been uniformly held to be constitutional. *People v. Fisher*, 189 Colo. 297, 539 P.2d 1258 (1975).

No double jeopardy violation where the imposition of costs is primarily remedial rather than punitive. The reviewing court first considers if the legislature intended a criminal or civil sanction, then determines if the statutory scheme is primarily punitive. *People v. Howell*, 64 P.3d 894 (Colo. App. 2002).

Costs are imposed to reimburse the state for the actual expenses incurred in prosecuting a defendant; costs are not traditionally considered to be punishment; the imposition of costs does not serve the goals of retribution and deterrence. *People v. Howell*, 64 P.3d 894 (Colo. App. 2002).

Sixth amendment inapplicable. The sixth amendment of the constitution compels appointing counsel for indigent defendants but does not speak to whether convicted defendants of limited resources may be charged with the costs of their trial. *People v. Fisher*, 189 Colo. 297, 539 P.2d 1258 (1975).

Declaration of indigency differs. Whether a presumably innocent defendant is declared indigent for the purposes of appointing counsel before he is brought to trial involves different considerations than the question of whether a convicted defendant may be charged with the costs expended by the state to secure his conviction. *People v. Fisher*, 189 Colo. 297, 539 P.2d 1258 (1975).

Judgment for costs must be rendered against defendant upon conviction. *Bransom v. Bd. of Comm'rs*, 5 Colo. App. 231, 37 P. 957 (1894).

This changes the doctrine of the common law. In authorizing a recovery by the people against a convicted defendant of the costs incurred to secure his conviction, it was a departure from the doctrine of the common law. *Bd. of Comm'rs v. Wilson*, 3 Colo. App. 492, 34 P. 265 (1893).

Costs are a matter of statute under this section. *Glavino v. People*, 75 Colo. 94, 224 P. 225 (1924).

And are not to be taxed according to plea agreement. The costs in a criminal case must be taxed according to statutes and not according to any plea agreement. *People v. Fisher*, 189 Colo. 297, 539 P.2d 1258 (1975).

There is no restriction or limit to the amount of costs of prosecution, only that the items of cost must necessarily conform to the fee bill, and that the charge for each service shall not exceed the amount allowed. The whole matter has been left to the discretion of the prosecutor and the court. *Parker v. People*, 7 Colo. App. 56, 42 P. 172 (1895).

Extradition expenses fall within subsection (2)(j). *People v. Fogarty*, 126 P.3d 238 (Colo. App. 2005).

Judicial discretion. The general rule as to payment of costs may be avoided if the trial judge, in his discretion, determines that the defendant is unable to pay the costs. *People v. Fisher*, 189 Colo. 297, 539 P.2d 1258 (1975).

Joint defendants are severally liable for costs. Inasmuch as the costs are merely incident to the judgment, joint defendants are severally liable for the costs incurred in procuring their respective convictions, not for the costs of each other, nor for costs made by the people against them respectively. *Murphy v. People*, 3 Colo. 147 (1876).

Judgment rendered against person convicted is a lien on his property. In case of a conviction in a criminal proceeding judgment must be rendered against the defendant for the costs of the prosecution, and when rendered, is a lien upon his property, if he has any, and is collected by execution. *Bransom v. Bd. of Comm'rs*, 5 Colo. App. 231, 37 P. 957 (1894).

Although it becomes the duty of parole board to provide, as a condition of parole, that offender make restitution to the victim or victim's immediate family, it is error for court to require that defendant pay restitution to the police of cost of extradition. The proper way to effectuate this result is for court to enter judgment in favor of state of Colorado for amount of costs of prosecution under § 16-1-501. *People v. Lemons*, 824 P.2d 56 (Colo. App. 1991).

This section is not applicable to a juvenile who is adjudicated delinquent. *People v. T.R.*, 860 P.2d 559 (Colo. App. 1993).

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Document 1 of 1

Source:

Colorado Statutes/TITLE 13 COURTS AND COURT PROCEDURE/JURIES AND JURORS/ARTICLE 71 COLORADO UNIFORM JURY SELECTION AND SERVICE ACT/13-71-137. Duties and responsibilities of interpreters for jurors who are deaf or hard of hearing.

13-71-137. Duties and responsibilities of interpreters for jurors who are deaf or hard of hearing.

The court may provide, through the list of available resources coordinated through the Colorado commission for the deaf and hard of hearing pursuant to section [26-21-106](#) (4), C.R.S., a qualified interpreter, as defined in section [13-90-202](#) (10), to assist during a trial a juror who is deaf or hard of hearing. In the presence of the jury, the court shall instruct the qualified interpreter to make true and complete translations of all court proceedings to the juror who is deaf or hard of hearing to the best of the qualified interpreter's ability. The qualified interpreter shall be subject to the same orders and admonitions given to the jurors. The court shall permit a qualified interpreter to be present and assist a juror who is deaf or hard of hearing during the deliberations of the jury. In the presence of the jury, the court shall instruct the qualified interpreter to refrain from participating in any manner in the deliberation of the jury and to refrain from having any communications with any member of the jury regarding deliberation, except for true and complete translations of jurors' remarks made during deliberation. A jury verdict reached in the presence of a qualified interpreter, during deliberation, shall be valid.

Source: L. 89: Entire article R&RE, p. 773, § 1, effective January 1, 1990. **L. 2006:** Entire section amended, p. 1091, § 12, effective May 25.

Editor's note: Section 14 of chapter 238, Session Laws of Colorado 2006, provides that amendments to this section are effective upon passage only if Senate Bill 06-218 is enacted and becomes law. Said bill was signed by the governor May 25, 2006.

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