

COLORADO JUDICIAL DEPARTMENT

Restitution

Background and Highlights

May 2005

- There were 16,335 cases sentenced in the state courts that included orders for restitution in Fiscal Year 2003-04. As of the end of May 2005, over 6,500 (40%) of them were paid in full, and another 20% had received at least partial payments averaging \$1,210 toward restitution. The average total amount assessed was \$4,103.
- Assessments have increased significantly in recent years. This is attributed largely to increased public awareness of the needs of crime victims, greater judicial system emphasis on restitution, and the General Assembly's efforts to strengthen the restitution statutes.
- Criminal offenders, as a group, represent one of the most difficult collection challenges compared to other categories of debtors (i.e., consumer debts). They often lack the skills needed to obtain higher paying jobs, are frequently unemployed, and have difficulty obtaining and maintaining steady work. Generally, assets are very limited. Many offenders spend a period of time incarcerated or in treatment. Repayment of restitution is therefore a process that can take years.
- Within 2-3 years of defendants' sentencings, approximately half of all victims are paid in full. Within 5-6 years, this increases to over 65% paid in full, while 80% of victims have received some restitution payments.
- For orders of restitution less than \$50,000, on average nearly 50% of the dollars are paid in full in 5-6 years. However, when there are assessments of \$50,000 or higher, on average about 12% is paid in that same time frame (although 94% of these cases have had some payments, with an average of \$22,499 paid per case).
- In Fiscal Year 2003-04, there were 16,157 cases with orders for restitution of less than \$50,000 (average amount assessed was \$2,220). There were 178 cases with orders for restitution of \$50,000 or higher (average amount assessed was \$174,997).
- About 1% of the restitution cases accounted for nearly half of the total dollars ordered statewide in Fiscal Year 2003-04 (\$31 million of the \$67 million assessed).
- Colorado has two well-established statewide programs to meet the needs of victims and provide compensation in certain instances when victims have yet to receive restitution. These programs are: 1) Victims Compensation Program; 2) Victims/Witnesses Assistance and Law Enforcement (VALE) Program. Both are funded through costs and surcharges paid by defendants in a variety of traffic, misdemeanor, and felony cases. Revenues to these programs totaled \$20.2 million in Fiscal Year 2003-04.
- Restitution collections totaled \$20.5 million in Fiscal Year 2003-04. On average, 97% of restitution recoveries get distributed by the courts to victims. The other 3% is either unclaimed (i.e., where the court is not able to locate a current address for the victim) or declined by the victim(s).
- Colorado is recognized for having one of the strongest statewide restitution and fine collection programs in the nation. In an ongoing effort to further strengthen collections and maximize recoveries, the state continues to incorporate new tools, most recently the Tax Refund Intercept Program and Lottery Winnings Offset Program, which have already yielded \$2.5 million in new revenues. New for 2005-06 will be the Unclaimed Property Intercept Program (H.B. 05-1044) in cooperation with the State Treasurer's Office.

**COLORADO JUDICIAL DEPARTMENT
RESTITUTION DATA
May 2005**

Table 1. Restitution Orders and Number Fully or Partially Paid*

Fiscal Year in which Sentencing Occurred	Number of Cases with Restitution Orders	Number of These Cases Paid in Full as of 5/31/05	% Paid in Full	Number of These Cases with All or Partial Paid	% with All or Partial Paid
1999-00	15,731	10,327	65.6%	12,550	79.8%
2000-01	15,313	9,479	61.9%	11,853	77.4%
2001-02	16,210	9,097	56.1%	11,875	73.3%
2002-03	15,964	7,671	48.1%	10,671	66.8%
2003-04	16,335	6,554	40.1%	9,666	59.2%

Table 2. Dollars Assessed and Associated Payments*

Fiscal Year in which Sentencing Occurred	Total Restitution Assessed	Paid on These Cases as of 5/31/05	% Paid	Avg. Paid Per Case	Number of Cases with Half or More Paid	% With Half or More Paid
1999-00	\$ 40,994,709	\$ 14,076,663	34.3%	\$ 1,122	10,752	68.3%
2000-01	\$ 44,780,986	\$ 13,429,053	30.0%	\$ 1,133	9,952	65.0%
2001-02	\$ 52,912,405	\$ 13,343,530	25.2%	\$ 1,124	9,647	59.5%
2002-03	\$ 56,517,021	\$ 12,245,002	21.7%	\$ 1,148	8,262	51.8%
2003-04	\$ 67,018,892	\$ 9,381,334	14.0%	\$ 971	7,114	43.6%

Table 3. Collections and Unclaimed

Fiscal Year	Total Restitution Collected During Fiscal Year Indicated (Regardless of Sentence Date)	Total Reported by Courts as Unclaimed During Fiscal Year Indicated	Ratio: Uncl. to Collected
1999-00	\$ 16,861,234	n/a	
2000-01	\$ 18,398,097	\$ 364,201	2.0%
2001-02	\$ 18,445,512	\$ 521,150	2.8%
2002-03	\$ 19,818,115	\$ 628,049	3.2%
2003-04	\$ 20,531,519	\$ 542,690	2.6%

* Note: Data excludes joint and several cases.