

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

An Act

HOUSE BILL 20-1087

BY REPRESENTATIVE(S) Will and Arndt, Bird, Buentello, Duran, McCluskie, McLachlan, Michaelson Jenet, Roberts, Soper, Titone, Woodrow, Cutter, Gray, Kipp, Snyder, Valdez D., Wilson;
also SENATOR(S) Donovan and Rankin, Crowder, Hansen, Holbert, Priola, Scott, Smallwood, Tate.

CONCERNING THE ENFORCEMENT OF LAWS ADMINISTERED BY THE DIVISION OF PARKS AND WILDLIFE, AND, IN CONNECTION THEREWITH, MODIFYING PARKS AND WILDLIFE STATUTES TO CORRECT VAGUE AND CONTRADICTORY PROVISIONS OF LAW AND REMOVE OBSOLETE PROVISIONS OF LAW.

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

SECTION 1. In Colorado Revised Statutes, 33-1-101, **amend** (5) as follows:

33-1-101. Legislative declaration. (5) The general assembly declares that it is the policy of the state to prosecute ~~hunters~~ PERSONS who violate multiple provisions of this ~~title~~ TITLE 33 for each violation that contains unique elements.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 2. In Colorado Revised Statutes, 33-1-102, **amend** (43) as follows:

33-1-102. Definitions. As used in this title 33, unless the context otherwise requires:

(43) "Take" means to KILL OR OTHERWISE acquire possession of wildlife; ~~but such~~ EXCEPT THAT THE term ~~shall~~ DOES not include the accidental wounding or killing of wildlife by a motor vehicle, vessel, or train.

SECTION 3. In Colorado Revised Statutes, 33-4-102, **add** (7.5) as follows:

33-4-102. Types of licenses and fees - rules. (7.5) THE DIVISION OR A LICENSE AGENT ISSUING A LICENSE ON THE DIVISION'S BEHALF NEED NOT COMPLY WITH SECTION 24-72.1-103 CONCERNING SECURE AND VERIFIABLE IDENTITY DOCUMENTS WHEN ISSUING A LICENSE PURSUANT TO THIS SECTION.

SECTION 4. In Colorado Revised Statutes, **amend** 33-6-104 as follows:

33-6-104. Imposition of penalty - procedures. (1) A person ~~who violates any rule of the commission for which there is not an associated statutory penalty listed~~ is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of one hundred dollars, a surcharge as described in section 24-33.5-415.6, and an assessment of five license suspension points FOR A VIOLATION OF ANY OF THE FOLLOWING FOR WHICH THERE IS NOT AN ASSOCIATED STATUTORY PENALTY LISTED:

(a) A PROVISION OF ARTICLES 1 TO 6 OF THIS TITLE 33; OR

(b) A RULE OF THE COMMISSION PROMULGATED PURSUANT TO ONE OR MORE OF THE ARTICLES SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION.

(2) (a) (I) At the time that ~~any~~ A person is charged with violating any misdemeanor provisions of articles 1 to 6 of this ~~title~~ TITLE 33 or ~~any~~ A rule of the commission, the officer shall issue a summons and complaint to the alleged offender or, in the case of a violation for which a fine of a fixed

amount is prescribed, may give the alleged offender an opportunity to voluntarily pay the fine and surcharge in the form of a penalty assessment.

(II) AN OFFICER SHALL NOT ISSUE A ~~penalty assessments shall not be issued~~ ASSESSMENT for violations for which minimum and maximum fines have been established. The penalty assessment notice given to the alleged offender ~~shall~~ MUST:

(A) Contain the information required ~~in and~~ FOR A SUMMONS AND COMPLAINT;

(B) Be in the form of a summons and complaint; and ~~shall~~

(C) Specify in dollars the amount of the penalty to be assessed for the alleged offense and the amount of the surcharges to be collected pursuant to sections 24-4.2-104 (1) and 24-33.5-415.6. ~~C.R.S.~~

(b) If the alleged offender accepts ~~such~~ THE PENALTY ASSESSMENT notice and pays the fine and the surcharges entered ~~thereon~~ ON THE FINE to the division within ~~fifteen~~ TWENTY days of issuance of the notice, ~~such~~ THE ALLEGED OFFENDER'S acceptance and payment ~~shall constitute~~ CONSTITUTES an acknowledgment of guilt ~~by such person~~ of the violation set forth in the penalty assessment notice.

(c) (I) AN OFFICER MAY TAKE any person who accepts a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard a written promise to pay the specified fine and surcharges ~~may be taken by the officer~~ to the nearest known post office facility ~~and be required~~ to REQUIRE THAT THE PERSON remit the amount of the specified fine and surcharges to the division immediately by mail in United States currency or other legal tender OR by money order or BY personal check.

(II) Refusal or inability to remit the specified fine and surcharges by mail when required ~~shall constitute~~ CONSTITUTES a refusal to accept a penalty assessment notice. The officer shall advise the person arrested of the license suspension points to be assessed in accordance with section 33-6-106.

(III) Checks tendered by the violator to and accepted by the division

and on FOR which payment is received by the division shall be ARE deemed sufficient receipt. If the fine and surcharges are not so paid, then the officer who issued the penalty assessment notice shall docket the summons and complaint with a court of competent jurisdiction for appearance by the person to answer the charges therein contained IN THE SUMMONS AND COMPLAINT at such THE time and place as is specified in the summons and complaint.

(3) (a) SERVICE OF A COPY OF A SUMMONS AND COMPLAINT OR PENALTY ASSESSMENT NOTICE ISSUED PURSUANT TO SUBSECTION (2) OF THIS SECTION MUST BE PROVIDED AT LEAST TEN DAYS BEFORE THE DATE SET FOR A HEARING ON THE MATTER BY:

(I) PROVIDING PERSONAL SERVICE OF THE COPY DIRECTLY TO THE ALLEGED OFFENDER;

(II) LEAVING THE COPY AT THE ALLEGED OFFENDER'S LAST-KNOWN PLACE OF RESIDENCE WITH AN INDIVIDUAL WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO RESIDES AT THE RESIDENCE; OR

(III) MAILING THE COPY TO THE ALLEGED OFFENDER'S LAST-KNOWN PLACE OF RESIDENCE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. SERVICE BY CERTIFIED MAIL IS COMPLETE UPON RETURN OF THE RECEIPT SIGNED BY THE ALLEGED OFFENDER.

(b) AN INDIVIDUAL WHO PROVIDES PERSONAL SERVICE PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION MUST BE A DISINTERESTED PARTY WHO IS EIGHTEEN YEARS OF AGE OR OLDER.

SECTION 5. In Colorado Revised Statutes, 33-6-106, **add** (1.3) as follows:

33-6-106. Suspension of license privileges. (1.3) (a) THE COMMISSION OR A HEARING OFFICER THAT THE COMMISSION DELEGATES TO HEAR A MATTER MAY SUSPEND A PERSON'S LICENSE IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION IF THE PERSON FAILS TO COMPLY WITH THE TERMS OF A SUMMONS, COMPLAINT, SUMMONS AND COMPLAINT, PENALTY ASSESSMENT NOTICE, OR OTHER OFFICIAL NOTICE OF AN ALLEGED VIOLATION OF ARTICLES 1 TO 6 OF THIS TITLE 33 ISSUED BY A COLORADO WILDLIFE OFFICER, PARKS OFFICER, OR OTHER PEACE OFFICER.

(b) A SUSPENSION ISSUED PURSUANT TO THIS SUBSECTION (1.3) REMAINS IN EFFECT UNTIL THE PERSON FURNISHES OR CAUSES TO BE FURNISHED SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE TERMS OF THE SUMMONS, COMPLAINT, SUMMONS AND COMPLAINT, PENALTY ASSESSMENT NOTICE, OR OTHER OFFICIAL NOTICE OF AN ALLEGED VIOLATION OF ARTICLES 1 TO 6 OF THIS TITLE 33. THE DIVISION SHALL ENTER THE SUSPENSION IN ACCORDANCE WITH ARTICLE III OF THE "WILDLIFE VIOLATOR COMPACT", PART 26 OF ARTICLE 60 OF TITLE 24, AND SHALL REMOVE THE ENTRY UPON SATISFACTORY EVIDENCE OF THE PERSON'S COMPLIANCE WITH AN OFFICIAL NOTICE OF AN ALLEGED VIOLATION.

SECTION 6. In Colorado Revised Statutes, 33-6-109, **amend** (3.4)(a) introductory portion as follows:

33-6-109. Wildlife - illegal possession. (3.4) (a) In addition to the criminal penalties listed in subsection (3) of this section, there ~~shall~~ MAY be assessed a further penalty in the following amount for each of the following big game animals illegally taken:

SECTION 7. In Colorado Revised Statutes, **amend** 33-6-122 as follows:

33-6-122. Hunting in a careless manner - definition. (1) (a) It is unlawful for any person to hunt or take wildlife in a careless manner or to discharge a firearm or release an arrow in a careless manner ~~which~~ THAT endangers human life or property.

(b) For the purposes of this section, "careless" means failing to exercise the degree of reasonable care that would be exercised by a person of ordinary prudence under all the existing circumstances. ~~in consideration of the probable danger of injury or damage.~~

(2) (a) ~~Any~~ EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, A person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the county jail for up to one year, or by both such fine and imprisonment, and an assessment of twenty license suspension points.

(b) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF

FIVE HUNDRED DOLLARS AND AN ASSESSMENT OF FIFTEEN LICENSE SUSPENSION POINTS IF AT THE TIME OF THE VIOLATION THE PERSON:

(I) WAS HUNTING UNDER A VALID BIG GAME LICENSE;

(II) KILLED A BIG GAME ANIMAL THAT IS NOT COVERED BY THE LICENSE; AND

(III) (A) IMMEDIATELY FIELD DRESSED THE ANIMAL; AND

(B) REPORTED THE KILLING OF THE ANIMAL TO THE DIVISION.

SECTION 8. In Colorado Revised Statutes, 33-10-102, **amend** the introductory portion and (27) as follows:

33-10-102. Definitions. As used in articles 10 to 15 of this ~~title~~ TITLE 33, unless the context otherwise requires:

(27) (a) "Vessel" means every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, ~~other than~~ INCLUDING ALL TYPES OF STAND-UP PADDLEBOARDS.

(b) "VESSEL" DOES NOT INCLUDE:

(I) ANY single-chambered, air-inflated devices THAT ARE NOT STAND-UP PADDLEBOARDS; or

(II) Seaplanes.

SECTION 9. In Colorado Revised Statutes, 33-13-102, **amend** the introductory portion and (5) as follows:

33-13-102. Definitions. As used in this ~~article~~ ARTICLE 13, unless the context otherwise requires:

(5) (a) "Vessel" means every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, ~~other than~~ INCLUDING ALL TYPES OF STAND-UP PADDLEBOARDS.

(b) "VESSEL" DOES NOT INCLUDE:

(I) ANY single-chambered air-inflated devices THAT ARE NOT STAND-UP PADDLEBOARDS; or

(II) Seaplanes.

SECTION 10. In Colorado Revised Statutes, 33-14-117, **amend** (1); and **add** (1.5) as follows:

33-14-117. Hunting, carrying weapons on snowmobiles - prohibitions. (1) EXCEPT AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, it is unlawful for any person to:

(a) Hunt any wildlife from a snowmobile;

(b) Operate or ride on any snowmobile with any firearm OTHER THAN A PISTOL OR A REVOLVER in ~~his or her~~ THE PERSON'S possession, unless ~~such~~ THE firearm is unloaded and enclosed in a carrying case or inserted in a scabbard, or with any bow unless it is unstrung or cased; ~~but~~ EXCEPT THAT this ~~paragraph (b)~~ SUBSECTION (1)(b) does not apply to ~~any~~ A person to whom the division has issued a permit for the control of predators such as coyotes, foxes, AND bobcats; ~~and the like;~~ OR

(c) Pursue, drive, or otherwise intentionally disturb or harass any wildlife by use of a snowmobile; ~~but this paragraph (c) shall not prevent any~~ EXCEPT THAT A person ~~from using~~ MAY USE a snowmobile to protect ~~his~~ THE PERSON'S crops and other property.

(1.5) A PERSON MAY PERFORM THE ACTIVITIES LISTED IN SUBSECTION (1) OF THIS SECTION IF THE PERSON IS OTHERWISE AUTHORIZED BY LAW OR BY THE DIVISION TO DO SO.

SECTION 11. In Colorado Revised Statutes, 33-15-102, **amend** (1) as follows:

33-15-102. Imposition of penalty - procedures. (1) A person ~~who violates any rule of the commission for which there is not an associated statutory penalty listed~~ is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of one hundred dollars FOR A

VIOLATION OF ANY OF THE FOLLOWING FOR WHICH THERE IS NOT AN ASSOCIATED STATUTORY PENALTY LISTED:

(a) ANY PROVISION OF ARTICLES 10 TO 15 OR ARTICLE 32 OF THIS TITLE 33; OR

(b) A RULE OF THE COMMISSION PROMULGATED PURSUANT TO ONE OR MORE OF THE ARTICLES SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION.

SECTION 12. In Colorado Revised Statutes, 33-32-102, **amend** the introductory portion, (6), and (8) as follows:

33-32-102. Definitions. As used in this ~~article~~ ARTICLE 32, unless the context otherwise requires:

(6) (a) "River outfitter" means ~~any~~ A person advertising to provide or providing river-running services in the nature of facilities, guide services, or transportation for the purpose of river-running. ~~except that~~

(b) "River outfitter" does not include ~~any~~ A person:

(I) Whose only service is providing motor vehicles, vessels, and other equipment for rent; ~~any person~~

(II) Whose only service is providing instruction in STAND-UP PADDLEBOARDING, canoeing, or kayaking skills; or ~~any person~~

(III) Who is providing river-running services exclusively for family or friends.

(8) (a) "Vessel" means every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, ~~other than~~ INCLUDING ALL TYPES OF STAND-UP PADDLEBOARDS.

(b) "VESSEL" DOES NOT INCLUDE:

(I) ANY single-chambered air-inflated devices THAT ARE NOT STAND-UP PADDLEBOARDS; or

(II) Seaplanes.

SECTION 13. In Colorado Revised Statutes, 33-32-107, **add** (2)(b.5) as follows:

33-32-107. River outfitters - prohibited operations - penalties.

(2) It is unlawful for any river outfitter, guide, trip leader, or guide instructor to:

(b.5) ALLOW ANOTHER PERSON TO OPERATE A VESSEL WITHOUT DUE REGARD FOR RIVER CONDITIONS OR OTHER ATTENDING CIRCUMSTANCES OR IN SUCH A MANNER AS TO ENDANGER ANY PERSON, PROPERTY, OR WILDLIFE. A PERSON WHO VIOLATES THIS SUBSECTION (2)(b.5) COMMITS A CLASS 3 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501.

SECTION 14. In Colorado Revised Statutes, **amend** 24-72.1-106 as follows:

24-72.1-106. Applicability. (1) This ~~article shall~~ ARTICLE 72.1 DOES not apply to:

(a) A person reporting a crime;

(b) A public entity or official accepting a crime report, conducting a criminal investigation, accepting an application for the provision of services or providing services to infants and children born in the United States pursuant to 42 U.S.C. sec. 1786, or providing emergency medical service;

(c) A peace officer in the performance of the officer's duties and within the scope of the officer's employment if ~~such~~ THE officer complies with section 24-72.1-105 (2);

(d) A PERSON ISSUING A HUNTING OR FISHING LICENSE PURSUANT TO ARTICLE 4 OF TITLE 33; or

(e) Instances when a federal law mandates acceptance of a document.

SECTION 15. Applicability. This act applies to offenses committed and other conduct occurring on or after the effective date of this act.

SECTION 16. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO