

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 08-0856.01 Kate Meyer

HOUSE BILL 08-1200

HOUSE SPONSORSHIP

Soper,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON COMPUTER-ASSISTED REMOTE**
102 **HUNTING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Prohibits participation in computer-assisted remote hunting. Makes unlawful the establishment and operation of computer-assisted remote hunting facilities. Establishes penalties for violations. Excludes general computer and internet programs and general-purpose equipment. Specifies that the division of wildlife may still make reasonable accommodations pursuant to the federal "Americans with Disabilities Act of 1990". Defines terms.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 18, 2008

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

2 **SECTION 1.** 33-1-102, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
4 read:

5 **33-1-102. Definitions.** As used in this title, unless the context
6 otherwise requires:

7 (6.4) "COMPUTER-ASSISTED REMOTE HUNTING" MEANS THE USE OF
8 A COMPUTER OR ANY OTHER DEVICE, EQUIPMENT, OR SOFTWARE TO
9 REMOTELY CONTROL THE AIMING AND DISCHARGE OF A WEAPON,
10 INCLUDING, BUT NOT LIMITED TO, FIREARMS OR ARCHERY EQUIPMENT, AT
11 WILDLIFE WHILE THE PERSON ENGAGED IN THE ACTION IS NOT PHYSICALLY
12 PRESENT WITH, OR IN THE IMMEDIATE VICINITY OF, THE WILDLIFE.

13 (6.5) "COMPUTER-ASSISTED REMOTE HUNTING FACILITIES" MEANS
14 REAL PROPERTY AND IMPROVEMENTS ON THE PROPERTY ASSOCIATED WITH
15 COMPUTER-ASSISTED REMOTE HUNTING. "COMPUTER-ASSISTED REMOTE
16 HUNTING FACILITIES" ALSO INCLUDES, BUT IS NOT LIMITED TO, HUNTING
17 BLINDS, WEAPONS, OFFICES, AND ROOMS, EQUIPPED TO FACILITATE
18 COMPUTER-ASSISTED REMOTE HUNTING.

19 **SECTION 2.** Part 1 of article 6 of title 33, Colorado Revised
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
21 read:

22 **33-6-132. Computer-assisted remote hunting prohibited.**

23 (1) IT IS UNLAWFUL FOR ANY PERSON TO ENGAGE IN COMPUTER-ASSISTED
24 REMOTE HUNTING IN COLORADO. THIS SUBSECTION (1) SHALL APPLY IF
25 EITHER THE WILDLIFE HUNTED OR ANY DEVICE, EQUIPMENT, OR SOFTWARE,
26 INCLUDING, WITHOUT LIMITATION, THE PERSON'S OWN COMPUTER, USED

1 TO REMOTELY CONTROL THE WEAPON IS LOCATED IN COLORADO.

2 (2) IT IS UNLAWFUL FOR ANY PERSON TO ESTABLISH OR OPERATE
3 COMPUTER-ASSISTED REMOTE HUNTING FACILITIES IN COLORADO.

4 (3) ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
5 MISDEMEANOR AND, UPON CONVICTION THEREOF:

6 (a) FOR A FIRST OFFENSE, SHALL BE PUNISHED BY A FINE OF NOT
7 LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN TEN THOUSAND
8 DOLLARS AND AN ASSESSMENT OF TWENTY LICENSE POINTS;

9 (b) FOR ANY SUBSEQUENT OFFENSES, SHALL BE PUNISHED BY A
10 FINE OF NOT LESS THAN TEN THOUSAND DOLLARS NOR MORE THAN ONE
11 HUNDRED THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL
12 FOR NOT MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND
13 IMPRISONMENT. IN ADDITION TO IMPOSING SUCH PUNISHMENTS, THE
14 COMMISSION MAY SUSPEND ANY WILDLIFE PRIVILEGES OF THE PERSON FOR
15 A MINIMUM OF ONE YEAR TO A MAXIMUM OF A LIFETIME SUSPENSION.

16 (4) THIS SECTION SHALL NOT APPLY TO PERSONS WHO PROVIDE
17 ONLY:

18 (a) GENERAL-PURPOSE EQUIPMENT, INCLUDING COMPUTERS,
19 CAMERAS, AND FENCING AND BUILDING MATERIALS;

20 (b) GENERAL-PURPOSE COMPUTER SOFTWARE, INCLUDING
21 OPERATING SYSTEMS AND COMMUNICATION PROGRAMS; OR

22 (c) GENERAL-PURPOSE TELECOMMUNICATIONS HARDWARE OR
23 NETWORKING SERVICES FOR COMPUTERS, INCLUDING ADAPTERS, MODEMS,
24 SERVERS, ROUTERS, AND OTHER FACILITIES ASSOCIATED WITH INTERNET
25 ACCESS.

26 (5) NOTHING IN THIS SECTION SHALL PRECLUDE THE DIVISION OF
27 WILDLIFE FROM GRANTING REASONABLE ACCOMMODATIONS FOR PERSONS

1 WITH DISABILITIES IN ACCORDANCE WITH THE FEDERAL "AMERICANS WITH
2 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ.

3 **SECTION 3. Effective date - applicability.** (1) This act shall
4 take effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly that is
6 allowed for submitting a referendum petition pursuant to article V,
7 section 1 (3) of the state constitution, (August 6, 2008, if adjournment
8 sine die is on May 7, 2008); except that, if a referendum petition is filed
9 against this act or an item, section, or part of this act within such period,
10 then the act, item, section, or part, if approved by the people, shall take
11 effect on the date of the official declaration of the vote thereon by
12 proclamation of the governor.

13 (2) The provisions of this act shall apply to offenses committed on
14 or after the applicable effective date of this act.