

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 08-0669.02 Jery Payne

SENATE BILL 08-069

SENATE SPONSORSHIP

Taylor,

HOUSE SPONSORSHIP

Sonnenberg,

Senate Committees

Agriculture, Natural Resources & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE APPLICABILITY OF WILDLIFE PROHIBITIONS.**

Bill Summary

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

Clarifies that a person who takes wildlife in compliance with a license, or in compliance with other restrictions on the time, place, and manner for such taking, does not commit illegal hunting, taking, possessing, or destruction of wildlife.

Establishes the level of culpability for the illegal selling or purchasing of wildlife to be the knowing sale or purchase of wildlife. Establishes the level of culpability for the illegal willful destruction of wildlife to be taking with the intention to abandon a part or all of the wildlife.

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.

SENATE
3rd Reading Unamended
February 25, 2008

SENATE
Amended 2nd Reading
February 22, 2008

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

2

3 **SECTION 1.** 33-6-113 (1), Colorado Revised Statutes, is
4 amended to read:

5 **33-6-113. Illegal sale of wildlife.** (1) (a) Except as otherwise
6 provided in articles 1 to 6 of this title or by rule ~~or regulation~~ of the
7 commission, it is unlawful for any person to KNOWINGLY sell or purchase,
8 or KNOWINGLY offer for sale or purchase, ~~any~~ wildlife or to solicit another
9 person in the illegal hunting or taking of ~~any~~ wildlife for the purposes of
10 monetary or commercial gain or profit.

11 (b) For the purposes of this section, it is deemed to be a sale of
12 wildlife if a person, for monetary or other consideration, provides
13 unregistered outfitting services as defined in article 55.5 of title 12,
14 C.R.S.

15 **SECTION 2.** 33-6-117 (1), Colorado Revised Statutes, is
16 amended to read:

17 **33-6-117. Willful destruction of wildlife - legislative intent.**

18 (1) (a) Except as is otherwise provided in articles 1 to 6 of this title or by
19 rule of the commission, it is unlawful for a person:

20 (I) To ~~hunt~~ WOUND or take, or to solicit another person to ~~hunt~~
21 WOUND or take, wildlife and detach or remove, with the intent to abandon
22 the carcass or body, only the head, hide, claws, teeth, antlers, horns,
23 internal organs, or feathers or any or all of such parts; ~~to abandon the~~
24 carcass or body of such wildlife; or

25 (II) To WOUND OR take, ~~and~~ OR TO SOLICIT ANOTHER PERSON TO
26 WOUND OR TAKE, WILDLIFE WITH THE INTENT TO abandon THE EDIBLE

1 PORTIONS OF THE wildlife.

2 (b) A person who violates this subsection (1), with respect to:

3 (a) (I) Big game, eagles, and endangered species, commits a class
4 5 felony and shall be punished as provided in section 18-1.3-401, C.R.S.,
5 and, in addition, shall be punished by a fine of not less than one thousand
6 dollars nor more than twenty thousand dollars. For offenses committed
7 on or after July 1, 1985, the fine shall be in an amount within the
8 presumptive range set out in section 18-1.3-401 (1) (a) (III), C.R.S. Upon
9 such conviction, the commission shall assess twenty license suspension
10 points and suspend the wildlife license privileges for one year to life of
11 the person convicted.

12 (b) (II) All other wildlife species, is guilty of a misdemeanor and,
13 upon conviction thereof, shall be punished by a fine of not less than one
14 hundred dollars nor more than one thousand dollars or by imprisonment
15 in the county jail for not more than one year, or by both such fine and
16 imprisonment, and an assessment of twenty license suspension points. __

17 **SECTION 3. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.