

CHAPTER 57

GOVERNMENT - COUNTY

HOUSE BILL 18-1051

BY REPRESENTATIVE(S) Hamner and Carver, Becker K., Exum, Singer, Thurlow, Arndt, Coleman, Esgar, Ginal, Gray, Herod, Lebsock, McLachlan, Pabon, Roberts, Rosenthal, Salazar, Valdez, Young; also SENATOR(S) Coram and Merrifield, Cooke, Jones, Aguilar, Court, Donovan, Fenberg, Garcia, Guzman, Jahn, Kefalas, Kerr, Marble, Martinez Humenik, Neville T., Priola, Scott, Tate, Todd, Williams A.

AN ACT

CONCERNING STATUTORY PROVISIONS ENACTED TO PROMOTE THE EXTINGUISHMENT OF UNATTENDED FIRES.

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

SECTION 1. In Colorado Revised Statutes, **amend** 30-15-201 as follows:

30-15-201. Penalty for leaving campfire unattended. (1) (a) ~~It is the duty of the board of county commissioners of each county in this state to cause to be erected and maintained, at suitable distances and in conspicuous places (at the side of the main-traveled highways of each county and at such other places in each county as each board may deem proper), notices printed in large letters on suitable signboards stating that campfires must not be left unattended and must be totally extinguished before breaking or leaving camp and that violators are subject to a fifty-dollar fine.~~ Any person who ~~leaves~~ **STARTS OR MAINTAINS A CAMPFIRE** ~~commits the offense of leaving a campfire unattended~~ **COMMITTS THE OFFENSE OF LEAVING a campfire unattended** ~~commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of fifty dollars~~ **IF HE OR SHE KNOWINGLY OR RECKLESSLY:**

(I) **FAILS TO REASONABLY ATTEND THE CAMPFIRE AT ALL TIMES; OR**

(II) **FAILS TO THOROUGHLY EXTINGUISH THE CAMPFIRE BEFORE LEAVING THE SITE.**

(b) (I) **A PERSON WHO COMMITTS THE OFFENSE OF LEAVING A CAMPFIRE UNATTENDED COMMITTS A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION OF THE OFFENSE, SHALL BE PUNISHED BY A FINE OF FIFTY DOLLARS.**

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

(II) A PERSON WHO COMMITS THE OFFENSE OF LEAVING A CAMPFIRE UNATTENDED WHERE THE CAMPFIRE IS LOCATED IN A FORESTED OR GRASSLAND AREA COMMITS A CLASS 3 MISDEMEANOR AND, UPON CONVICTION OF THE OFFENSE, SHALL BE PUNISHED BY A MINIMUM SENTENCE OF A FIFTY DOLLAR FINE UP TO A MAXIMUM SENTENCE OF SIX MONTHS IMPRISONMENT OR A SEVEN HUNDRED FIFTY DOLLAR FINE, OR BOTH.

~~(2) The erection of such notices shall be at the expense of each county, and at least twenty notices shall be posted and maintained in each county in this state. The board of governors of the Colorado state university system may also post similar notices, signed by the board and erected and maintained at its expense, at such points throughout the state as it deems necessary or expedient.~~

SECTION 2. In Colorado Revised Statutes, 33-15-106, **amend** (1)(a) and (2)(a) as follows:

33-15-106. Fires. (1) On any property under the control of the division, it is unlawful for any person to:

~~(a) Leave a fire unattended or fail~~ START OR MAINTAIN A FIRE IF HE OR SHE KNOWINGLY OR RECKLESSLY FAILS TO REASONABLY ATTEND THE FIRE AT ALL TIMES OR FAILS TO THOROUGHLY EXTINGUISH ~~a~~ THE FIRE BEFORE LEAVING ~~it~~ THE SITE;

~~(2) (a) Any person who violates paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION IS GUILTY OF A ~~class 2 petty offense~~ CLASS 3 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY ~~a fine of fifty dollars~~ A MINIMUM SENTENCE OF A FIFTY DOLLAR FINE UP TO A MAXIMUM SENTENCE OF SIX MONTHS IMPRISONMENT OR A SEVEN HUNDRED FIFTY DOLLAR FINE, OR BOTH.

SECTION 3. Effective date - applicability. This act takes effect July 1, 2018, and applies to offenses committed on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 22, 2018