

CHAPTER 176

AGRICULTURE

HOUSE BILL 94-1290

BY REPRESENTATIVES Acquafresca, Chlouber, Eisenach, Entz, George, Jerke, Lawrence, Martin, Salaz, Shoemaker, and Taylor; also SENATORS Rizzuto, Ament, Bishop, Peterson, R. Powers, Roberts, and Wattenberg.

AN ACT

CONCERNING THE PROHIBITION ON ACTS RESULTING IN RESTRAINT OF TRADE FOR CERTAIN AGRICULTURAL PRODUCTS.

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

SECTION 1. 35-31-101, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

35-31-101. Destruction of food prohibited. It is unlawful for any person, firm, partnership, association, or corporation or any servant, agent, employee, or officer thereof to destroy or cause to be destroyed, or to permit to decay or to become unfit for use or consumption, or to take, send, or cause to be transported out of this state so to be destroyed or permitted to decay, OR KNOWINGLY TO MAKE ANY MATERIALLY FALSE STATEMENT, for the purpose of maintaining prices or establishing higher prices for the same, or for the purpose of limiting or diminishing the quantity thereof available for market, or for the purpose of procuring, or aiding in procuring, or establishing, or maintaining a monopoly in such articles or products, or for the purpose of in any manner restraining trade, any fruits, vegetables, grain, meats, or other articles or products ordinarily grown, raised, produced, or used in any manner or to any extent as food for human beings or for domestic animals.

SECTION 2. 35-31-104, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

35-31-104. Penalty. (1) Any person, whether acting individually or otherwise, in ~~his~~ SUCH PERSON'S own behalf, or as the agent, employee, servant, director, or officer of any other person, partnership, firm, association, or corporation, or any corporation who violates any of the provisions of this article is guilty of a misdemeanor and, upon

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

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 not less than thirty days nor more than one year, or by both such fine and imprisonment.

(2) AS A CONDITION OF ANY SENTENCE IMPOSED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COURT SHALL ORDER IN ADDITION TO ANY OTHER PENALTY, THAT ANY PERSON CONVICTED OF A VIOLATION OF THIS ARTICLE SHALL MAKE RESTITUTION TO ANY VICTIM OF SUCH A VIOLATION. THE AMOUNT AND ANY CONDITIONS OF SUCH A RESTITUTION ORDER SHALL BE DETERMINED IN THE SAME MANNER AS A RESTITUTION ORDER IMPOSED PURSUANT TO THE PROVISIONS OF SECTION 16-11-204.5, C.R.S.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1994, and shall apply to acts 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: April 28, 1994