

CHAPTER 129

**GOVERNMENT - COUNTY**

**HOUSE BILL 96-1287**

BY REPRESENTATIVES Kaufman, Entz, Mace, Saliman, and Schwarz;  
also SENATORS Hopper and Matsunaka.

**AN ACT**

**CONCERNING THE AUTHORITY OF COUNTY COMMISSIONERS TO DESIGNATE COUNTY PERSONNEL TO ENFORCE COUNTY REGULATIONS GOVERNING THE USE OF COUNTY LANDS.**

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

**SECTION 1.** 29-7-101 (2), Colorado Revised Statutes, 1986 Repl. Vol., is amended, and the said 29-7-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**29-7-101. City or county may own and operate.** (2) Any county through its board of county commissioners shall have the power, authority, and jurisdiction to regulate and control public recreation lands and facilities owned or operated by the county by the promulgation of rules and regulations pursuant to a lawfully adopted resolution. ~~Such~~ THE rules and regulations may include but are not limited to the following: Removal, destruction, mutilation, or defacing of any natural object or man-made object owned by the county; explosives or any form of firearm; animal control; any public use, including boating, fishing, camping, or hunting; and polluting or littering. Any person violating any rule or regulation lawfully adopted PURSUANT TO THIS SUBSECTION (2) commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars. It is the duty of the sheriff and ~~his~~ THE SHERIFF'S undersheriff and deputies, in their respective counties, AS WELL AS ANY COUNTY ENFORCEMENT PERSONNEL AUTHORIZED AND APPOINTED AS DESCRIBED IN SUBSECTION (3), to enforce the rules and regulations ~~so~~ adopted PURSUANT TO THIS SUBSECTION (2), and the county courts in their respective counties have jurisdiction in THE prosecution of any ~~such~~ violation OF A RULE OR REGULATION ADOPTED PURSUANT TO THIS SUBSECTION (2). If authorized by resolution, the penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by any arresting law enforcement officer for any ~~such~~ violation OF

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

A RULE OR REGULATION ADOPTED PURSUANT TO THIS SUBSECTION (2). As part of ~~said~~ A resolution authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for ~~such~~ violations. ~~Such~~ THE graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same ~~individual~~ PERSON. All fines and forfeitures for the violation of county regulations adopted pursuant to this paragraph (b) shall be paid into the treasury of the county at such times and in such manner as may be prescribed by resolution; or, if there is no resolution providing for the payment, it shall be paid to the county treasurer at once.

(3) (a) IN ADDITION TO THE ENFORCEMENT OF THE RULES AND REGULATIONS BY THE SHERIFF, AN UNDERSHERIFF, OR A DEPUTY SHERIFF, A BOARD OF COUNTY COMMISSIONERS MAY BY RESOLUTION DESIGNATE SPECIFIC OTHER COUNTY PERSONNEL, HOWEVER TITLED OR ADMINISTRATIVELY ASSIGNED, TO ENFORCE RULES AND REGULATIONS DULY ADOPTED BY THE COUNTY TO CONTROL AND REGULATE THE USE OF COUNTY PUBLIC LANDS AND RECREATION FACILITIES, BY ISSUANCE OF CITATIONS OR SUMMONSES AND COMPLAINTS.

(b) PERSONNEL DESIGNATED PURSUANT TO THIS SUBSECTION (3):

(I) SHALL NOT BE SUBJECT TO PEACE OFFICER CERTIFICATION OR ANY OTHER REQUIREMENTS OF PART 3 OF ARTICLE 31 OF TITLE 24, C.R.S.;

(II) SHALL BE INCLUDED WITHIN THE DEFINITION OF "PEACE OFFICER OR FIREMAN ENGAGED IN THE PERFORMANCE OF HIS DUTIES" FOUND IN SECTION 18-3-201 (2), C.R.S.; AND

(III) SHALL NOT HAVE THE POWER TO ARREST OR TO EXECUTE WARRANTS AND SHALL NOT HAVE AUTHORITY TO ENFORCE ANY OTHER RESOLUTION, ORDINANCE, OR STATUTE, UNLESS OTHERWISE PROVIDED BY LAW.

**SECTION 2.** 18-3-201 (2), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**18-3-201. Definitions.** As used in sections 18-3-201 to 18-3-203, unless the context otherwise requires:

(2) "Peace officer or fireman engaged in the performance of his duties" means a peace officer or fireman who is engaged or acting in, or who is present for the purpose of engaging or acting in, the performance of any duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer or fireman, whether or not the peace officer or fireman is within the territorial limits of his jurisdiction, if the peace officer or fireman is in uniform; or the person committing an assault upon or offense against or otherwise acting toward such peace officer or fireman knows or reasonably should know that the victim is a peace officer or fireman. FOR THE PURPOSES OF THIS SUBSECTION (2) AND THIS PART 2, THE TERM "PEACE OFFICER" SHALL INCLUDE COUNTY ENFORCEMENT PERSONNEL DESIGNATED PURSUANT TO SECTION 29-7-101 (3), C.R.S.

**SECTION 3. Severability.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other

provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**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: May 1, 1996