

CHAPTER 167

NATURAL RESOURCES

HOUSE BILL 98-1039

BY REPRESENTATIVES Udall, Bacon, Grossman, S. Johnson, Kaufman, Nichol, Reeser, Saliman, Snyder, Sullivan, Takis, Tupa, Veiga, and Zimmerman;
also SENATORS Bishop, Chlouber, Matsunaka, Phillips, Reeves, Rupert, and Wham.

AN ACT

CONCERNING AN INCREASE IN THE PENALTIES FOR POACHING CERTAIN BIG GAME ANIMALS.

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

SECTION 1. 33-6-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-6-109. Wildlife - illegal possession. (3.4) (a) IN ADDITION TO THE CRIMINAL PENALTIES LISTED IN SUBSECTION (3) OF THIS SECTION, THERE SHALL BE ASSESSED A FURTHER PENALTY IN THE FOLLOWING AMOUNT FOR EACH OF THE FOLLOWING BIG GAME ANIMALS ILLEGALLY TAKEN:

(I) FOR EACH BULL ELK WITH AT LEAST SIX POINTS ON ONE ANTLER BEAM, TEN THOUSAND DOLLARS;

(II) FOR EACH MULE DEER BUCK WITH AN INSIDE ANTLER SPREAD OF AT LEAST TWENTY-TWO INCHES, TEN THOUSAND DOLLARS;

(III) FOR EACH WHITETAIL DEER BUCK WITH AN INSIDE ANTLER SPREAD OF AT LEAST EIGHTEEN INCHES, TEN THOUSAND DOLLARS;

(IV) FOR EACH BULL MOOSE, TEN THOUSAND DOLLARS;

(V) FOR EACH BIGHORN SHEEP WITH A HORN LENGTH OF AT LEAST ONE-HALF CURL, TWENTY-FIVE THOUSAND DOLLARS;

(VI) FOR EACH MOUNTAIN GOAT, TEN THOUSAND DOLLARS;

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

(VII) FOR EACH PRONGHORN ANTELOPE WITH A HORN LENGTH OF AT LEAST FOURTEEN INCHES, FOUR THOUSAND DOLLARS.

(b) (I) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-4.2-104 (1) (b) (II), C.R.S., NO VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND SURCHARGE SHALL BE LEVIED AGAINST THE ADDITIONAL AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION (3.4). THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND SURCHARGE SHALL ONLY BE LEVIED AGAINST THE AMOUNT OF THE FINE IMPOSED UNDER SUBSECTION (3) OF THIS SECTION.

(II) NOTWITHSTANDING THE PROVISIONS OF SECTION 33-6-105, ALL MONEYS COLLECTED AS ADDITIONAL PENALTIES UNDER THIS SUBSECTION (3.4) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE COLORADO TOWN, CITY, COUNTY, OR CITY AND COUNTY WHERE THE ARREST FOR THE OFFENSE WAS MADE OR THE CITATION FOR THE OFFENSE WAS ISSUED. SUCH ADDITIONAL PENALTIES MAY BE USED TO FURTHER LAW ENFORCEMENT OR WILDLIFE RELATED PROGRAMS.

SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 3. Effective date - applicability. This act shall take effect upon passage, 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 22, 1998