

CHAPTER 144

NATURAL RESOURCES

HOUSE BILL 03-1097

BY REPRESENTATIVE(S) Hall, Briggs, Butcher, Decker, Frangas, Fritz, Harvey, Hefley, Johnson R., Larson, Lee, Madden, May M., Plant, Pommer, Rippy, Romanoff, Rose, Salazar, Smith, Stengel, Tochtrop, and White;
also SENATOR(S) Johnson S., Entz, and Hagedorn.

AN ACT**CONCERNING THE REGULATION OF THE HUNTING OF WILDLIFE.**

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

SECTION 1. 33-1-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-1-101. Legislative declaration. (5) THE GENERAL ASSEMBLY DECLARES THAT IT IS THE POLICY OF THE STATE TO PROSECUTE HUNTERS WHO VIOLATE MULTIPLE PROVISIONS OF THIS TITLE FOR EACH VIOLATION THAT CONTAINS UNIQUE ELEMENTS.

SECTION 2. 33-6-107 (1) and (7), Colorado Revised Statutes, are amended to read:

33-6-107. Licensing violations - penalties. (1) (a) Except as otherwise provided in articles 1 to 6 of this title or by rule ~~or regulation~~ of the commission, ~~no~~ A person shall NOT procure or use more than one license of a certain type in ~~any one~~ A calendar year. ~~Any~~ A person who violates this subsection (1) is guilty of a misdemeanor and, upon conviction thereof, shall, with respect to wildlife other than big game, be punished by a fine of fifty dollars and an assessment of ten license suspension points or shall, with respect to big game, be punished by a fine of two hundred dollars and an assessment of fifteen license suspension points.

(b) A LICENSE PROCURED IN VIOLATION OF THIS SUBSECTION (1) IS VOID.

(7) It is unlawful ~~for any person~~ to alter, transfer, sell, loan, or assign ~~his or her own or another person's~~ A lawfully acquired license to another person, OR TO USE ANOTHER PERSON'S LAWFULLY ACQUIRED LICENSE. ~~Any~~ A person who violates this

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

subsection (7) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of two hundred dollars and an assessment of fifteen license suspension points, and ~~any~~ licenses so used are void.

SECTION 3. The introductory portion to 33-6-117 (1) and 33-6-117 (1) (a) and (2), Colorado Revised Statutes, are amended to read:

33-6-117. Willful destruction of wildlife - legislative intent. (1) Except as is otherwise provided in articles 1 to 6 of this title or by rule ~~or regulation~~ of the commission, it is unlawful for ~~any~~ A person to hunt or take, or to solicit another person to hunt or take, ~~any~~ wildlife and detach or remove, with the intent to abandon the carcass or body, only the head, hide, claws, teeth, antlers, horns, internal organs, or feathers or any or all of such parts; TO ABANDON THE CARCASS OR BODY OF SUCH WILDLIFE; or to ~~kill~~ TAKE and abandon ~~any~~ wildlife. ~~Any~~ A person who violates this subsection (1), with respect to:

(a) Big game, eagles, and endangered species, commits a class 5 felony and shall be punished as provided in section 18-1.3-401, C.R.S., and, in addition, shall be punished by a fine of not less than one thousand dollars nor more than twenty thousand dollars. For offenses committed on or after July 1, 1985, the fine shall be in an amount within the presumptive range set out in section 18-1.3-401 (1) (a) (III), C.R.S. Upon such conviction, the commission ~~may~~ SHALL ~~permanently~~ ASSESS TWENTY LICENSE SUSPENSION POINTS AND suspend ~~all~~ THE wildlife license privileges FOR ONE YEAR TO LIFE of the person convicted.

(2) The purpose and intent of this section is to protect the wildlife of this state from wanton, ruthless, or wasteful destruction or mutilation for their heads, hides, claws, teeth, antlers, horns, internal organs, or feathers, FROM BEING TAKEN AND ABANDONED, or any or all of the foregoing, and the provisions of this section shall be so construed.

SECTION 4. 33-6-124, Colorado Revised Statutes, is amended to read:

33-6-124. Use of a motor vehicle or aircraft. (1) (a) Unless otherwise permitted by commission rule, ~~or regulation~~, it is unlawful for ~~any~~ A person to hunt, take, or harass ~~any~~ wildlife from or with ~~any~~ A motor vehicle. A PERSON WHO VIOLATES THIS PARAGRAPH (a) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF TWO HUNDRED DOLLARS AND AN ASSESSMENT OF TEN LICENSE SUSPENSION POINTS.

(b) UNLESS OTHERWISE PERMITTED BY COMMISSION RULE, IT IS UNLAWFUL FOR ANY PERSON TO DISCHARGE A FIREARM OR RELEASE AN ARROW FROM A MOTOR VEHICLE WITH THE INTENT TO TAKE WILDLIFE. A PERSON WHO VIOLATES THIS PARAGRAPH (b) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF TWO HUNDRED DOLLARS AND AN ASSESSMENT OF TEN LICENSE SUSPENSION POINTS.

(2) It is unlawful for any person airborne in any aircraft to spot or locate any wildlife and communicate ~~the~~ ITS location ~~thereof~~ to ~~any~~ A person on the ground as an aid to hunting or pursuing ~~said~~ wildlife; and it is unlawful for such airborne person or person on the ground receiving such communication to pursue, hunt, or take game

on the same day or the day following such flight. A PERSON WHO VIOLATES THIS SUBSECTION (2) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF TWO THOUSAND DOLLARS AND AN ASSESSMENT OF FIFTEEN LICENSE SUSPENSION POINTS.

(3) ~~Any~~ IT IS UNLAWFUL FOR TWO OR MORE PEOPLE ON THE GROUND, IN A MOTOR VEHICLE, OR IN A VESSEL TO USE ELECTRONIC DEVICES TO COMMUNICATE INFORMATION IN THE FURTHERANCE OF A VIOLATION OF ARTICLES 1 TO 6 OF THIS TITLE OR OF A COMMISSION RULE. A person who violates this ~~section~~ SUBSECTION (3) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of two hundred dollars and an assessment of fifteen license suspension points.

SECTION 5. 33-6-127, Colorado Revised Statutes, is amended to read:

33-6-127. Hunting with artificial light, night vision, or thermal imaging devices. (1) (a) Unless otherwise provided by commission rule ~~or regulation~~ and except as provided in section 33-6-107 (9) for persons owning or leasing land, members of their family, or their agents, it is unlawful for any person to utilize any artificial light as an aid in hunting or taking any wildlife. For the purposes of this ~~section~~ SUBSECTION (1), the possession of any firearm with cartridges in the chamber or magazine or loaded with powder and ball or a strung bow, unless the bow is cased, while attempting to project any artificial light into areas where wildlife may be found is prima facie evidence of a violation of this section.

(b) ~~Any~~ A person who violates this ~~section~~ SUBSECTION (1) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of two hundred dollars and an assessment of twenty license suspension points.

(2) (a) UNLESS OTHERWISE PROVIDED BY COMMISSION RULE AND EXCEPT AS PROVIDED IN SECTION 33-6-107 (9) FOR PERSONS OWNING OR LEASING LAND, MEMBERS OF THEIR FAMILY, OR THEIR AGENTS, IT IS UNLAWFUL FOR A PERSON TO UTILIZE ELECTRONIC NIGHT VISION EQUIPMENT, ELECTRONICALLY ENHANCED LIGHT-GATHERING OPTICS, OR THERMAL IMAGING DEVICES AS AN AID IN HUNTING OR TAKING WILDLIFE OUTSIDE LEGAL HUNTING HOURS ACCORDING TO COMMISSION RULES.

(b) A PERSON WHO VIOLATES THIS SUBSECTION (2) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF TWO THOUSAND DOLLARS AND AN ASSESSMENT OF TWENTY LICENSE SUSPENSION POINTS.

SECTION 6. 33-1-102 (1), (2), (28), and (38) (e), Colorado Revised Statutes, are amended, and the said 33-1-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

33-1-102. Definitions. As used in this title, unless the context otherwise requires:

(1) ~~"Bag limit" means the maximum amount, expressed in numbers, of wildlife which may be lawfully taken, caught, killed, or possessed by any one person during any one day or other specified period of time.~~ "ANTLER POINT" MEANS A PROJECTION OF AN ANTLER THAT IS AT LEAST ONE INCH LONG AND LONGER THAN THE WIDTH OF THE BASE OF SUCH PROJECTION.

(1.5) "BAG LIMIT" MEANS THE MAXIMUM AMOUNT, EXPRESSED IN NUMBERS, OF WILDLIFE THAT MAY BE LAWFULLY TAKEN, CAUGHT, KILLED, OR POSSESSED BY A PERSON DURING ONE DAY OR OTHER SPECIFIED PERIOD OF TIME.

(2) "Big game" means elk, white-tailed deer, mule deer, moose, rocky mountain bighorn sheep, DESERT BIGHORN SHEEP, rocky mountain goat, pronghorn antelope, black bear, mountain lion, and all species of large mammals that may be introduced or transplanted into this state for hunting or are classified as big game by the commission.

(28) "Motor vehicle" means ~~any~~ A self-propelled vehicle, or ~~any~~ A vehicle drawn by a self-propelled vehicle, by which persons or property may be moved, carried, or transported from one place to another by land ~~water~~; or air.

(38) (e) Except as provided in paragraph (d) or (d.5) of this subsection (38), a person is ~~presumed~~ DEEMED, FOR THE PURPOSES OF THIS TITLE, to have terminated his or her Colorado residence if the person APPLIES FOR, PURCHASES, OR accepts ~~any~~ A resident hunting, fishing, or trapping license issued by another state or foreign country; registers to vote in ~~any other~~ ANOTHER state or foreign country; or accepts a driver's license that shows an address other than in Colorado.

SECTION 7. 33-4-117 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

33-4-117. Youth licenses - special restrictions and privileges - repeal. (1) ~~On or after January 1, 1995, any~~ A person under the age of sixteen years may obtain a ~~combination~~ youth small game hunting ~~furbearer, and fishing~~ license, issued pursuant to section 33-4-102 (1.4) (x), for a fee of one dollar upon showing a hunter education certificate as required by section 33-6-107 (8). ~~Said~~ THE one-dollar fee includes the search and rescue fund surcharge imposed under section 33-1-112.5 (2) (a).

(2) Every person hunting with a ~~combination~~ youth small game hunting ~~furbearer, and fishing~~ license shall at all times be accompanied by a person eighteen years of age or older as required by section 33-6-107 (3.5); except that a person of any age who purchases a small game hunting license issued pursuant to section 33-4-102 (1.4) (f) ~~or a furbearer license issued pursuant to section 33-4-102 (1.4) (h)~~ is exempt from this restriction.

(3) ~~Possession of a combination youth small game hunting, furbearer, and fishing license entitles the holder to the full bag and possession limits of fish as set by the commission.~~

SECTION 8. The introductory portion to 33-4-102 (1.4) and 33-4-102 (1.4) (x), Colorado Revised Statutes, are amended to read:

33-4-102. Types of licenses and fees - repeal. (1.4) ~~Effective January 1, 1991,~~ The division is authorized to issue the following resident and nonresident licenses and shall collect the following fees therefor, except as otherwise provided pursuant to subsection (1.6) of this section:

	Fees	
	Resident	Nonresident
(x) Combination Youth small game hunting furbearer, and fishing	1.00	1.00

SECTION 9. 33-6-107 (6) and (9), Colorado Revised Statutes, are amended to read:

33-6-107. Licensing violations - penalties. (6) ~~Any~~ A person sixteen years of age or over who fishes for or takes fish, amphibians, mollusks, or crustaceans in this state shall have a proper and valid fishing license on his or her person. Persons under sixteen years of age are not required to have a fishing license ~~but~~ AND shall be entitled to ~~only one-half~~ the FULL bag or possession limit set by the commission. ~~any~~ A person who violates this subsection (6) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of fifty dollars and an assessment of ten license suspension points.

(9) For the purposes of this section, any person, any member of such person's family, or any employee of the person may hunt, trap, or take black-billed magpies, common crows, starlings, English or house sparrows, common pigeons, coyotes, bobcats, red foxes, raccoons, jackrabbits, badgers, marmots, prairie dogs, pocket gophers, Richardson's ground squirrels, rock squirrels, thirteen-lined ground squirrels, porcupines, crayfish, tiger salamanders, muskrats, beavers, exotic wildlife, and common snapping turtles on lands owned or leased by the person without securing licenses to do so, but only when such wildlife is causing damage to crops, real or personal property, or livestock. Any person may kill skunks or rattlesnakes when necessary to protect life or property. The pelts or hides of any mammals taken under this subsection (9) may be transferred, possessed, traded, bartered, or sold by ~~any~~ A person who holds an appropriate small game ~~or furbearer~~ license.

SECTION 10. 33-6-119 (1) (a) and (2), Colorado Revised Statutes, are amended, and the said 33-6-119 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

33-6-119. Pursuit of wounded game - waste of edible game wildlife - use of wildlife as bait. (1) (a) Except as provided in section 33-6-116 (1), it is unlawful for ~~any~~ A person who SHOOTS AT, wounds, or may have wounded game wildlife to fail to make a reasonable attempt to locate the game wildlife suspected of injury and take it into his OR HER possession. ~~Any~~ A person who violates this paragraph (a) is guilty of a misdemeanor and, upon conviction thereof, shall, with respect to big game, be punished by a fine of one hundred dollars and an assessment of fifteen license suspension points or shall, with respect to small game, be punished by a fine of fifty dollars and an assessment of fifteen license suspension points.

(c) IF THE HUNTER IS UNAWARE OF THE LOCATION OF WILDLIFE AFTER SHOOTING AT IT, FAILING TO GO IMMEDIATELY TO THE LOCATION OF SUCH WILDLIFE WHEN THE SHOT WAS FIRED IS NOT A REASONABLE ATTEMPT TO LOCATE GAME.

(2) Except as otherwise provided in articles 1 to 6 of this title or by rule ~~or~~

~~regulation~~ of the commission, it is unlawful for ~~any~~ A person to fail to ~~immediately~~ REASONABLY ATTEMPT TO dress or care for and provide for human consumption the edible portions of ~~any~~ game wildlife. ~~any~~ A person who violates this subsection (2) is guilty of a misdemeanor and, upon conviction thereof, shall, with respect to big game, be punished by a fine of three hundred dollars and an assessment of fifteen license suspension points or shall, with respect to all other game wildlife, be punished by a fine of one hundred dollars and an assessment of ten license suspension points.

SECTION 11. The introductory portion to 33-6-121 (1), Colorado Revised Statutes, is amended to read:

33-6-121. Hunters to wear daylight fluorescent orange garments. (1) Unless otherwise provided by commission rule, ~~or regulation~~, it is unlawful for any person to hunt or take elk, deer, antelope, MOOSE, or black bear with any firearm unless such person is wearing daylight fluorescent orange garments that meet the following requirements:

SECTION 12. Part 1 of article 6 of title 33, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

33-6-113.5. Illegal businesses on division property. (1) IT IS UNLAWFUL TO PROVIDE GOODS OR SERVICES FOR COMPENSATION ON PROPERTY OWNED OR MANAGED BY THE DIVISION UNLESS PERMITTED BY COMMISSION RULE.

(2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON 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 MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISONMENT, AND AN ASSESSMENT OF TWENTY LICENSE SUSPENSION POINTS.

SECTION 13. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to acts committed on or after said date.

SECTION 14. 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 17, 2003