

CHAPTER 159

NATURAL RESOURCES

SENATE BILL 08-069

BY SENATOR(S) Taylor, Gibbs, Harvey, Isgar, Romer, Schultheis, Tochtrop, and Wiens;
also REPRESENTATIVE(S) Sonnenberg, Lundberg, and McKinley.

AN ACT**CONCERNING THE APPLICABILITY OF WILDLIFE PROHIBITIONS.**

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

SECTION 1. 33-6-113 (1), Colorado Revised Statutes, is amended to read:

33-6-113. Illegal sale of wildlife. (1) (a) 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 person to KNOWINGLY sell or purchase, or KNOWINGLY offer for sale or purchase, ~~any~~ wildlife or to solicit another person in the illegal hunting or taking of ~~any~~ wildlife for the purposes of monetary or commercial gain or profit.

(b) For the purposes of this section, it is deemed to be a sale of wildlife if a person, for monetary or other consideration, provides unregistered outfitting services as defined in article 55.5 of title 12, C.R.S.

SECTION 2. 33-6-117 (1), Colorado Revised Statutes, is amended to read:

33-6-117. Willful destruction of wildlife - legislative intent. (1) (a) Except as is otherwise provided in articles 1 to 6 of this title or by rule of the commission, it is unlawful for a person:

(I) To hunt or take, or to solicit another person to hunt or take, 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;

(II) To INTENTIONALLY abandon the carcass or body of ~~such~~ TAKEN wildlife; or

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

(III) To take and INTENTIONALLY abandon wildlife.

(b) A person who violates this subsection (1), with respect to:

~~(a)~~ (I) 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 shall assess twenty license suspension points and suspend the wildlife license privileges for one year to life of the person convicted.

~~(b)~~ (II) All other wildlife species, 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 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 21, 2008