

CHAPTER 259

NATURAL RESOURCES

HOUSE BILL 12-1330

BY REPRESENTATIVE(S) Becker, Priola, Sonnenberg, Brown, Coram, Looper;
also SENATOR(S) Hodge and Grantham, Guzman, Neville, Steadman, Tochtrop.

AN ACT

CONCERNING THE CREATION OF A HEARING PROCESS TO END A SUSPENSION OF PRIVILEGES TO ATTEMPT TO TAKE WILDLIFE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 33-6-106, **add** (9) as follows:

33-6-106. Suspension of license privileges - repeal. (9) (a) A PERSON MAY PETITION THE COMMISSION TO END A SUSPENSION ONCE EVERY FIVE YEARS EITHER:

(I) AFTER HALF OF A SUSPENSION OF AT LEAST TEN YEARS BUT LESS THAN A LIFETIME HAS ELAPSED; OR

(II) AFTER FIFTEEN YEARS OF A LIFETIME SUSPENSION HAS ELAPSED.

(b) IF A PERSON PETITIONS THE COMMISSION TO END A SUSPENSION, THE COMMISSION SHALL HOLD A HEARING TO DETERMINE WHETHER TO END THE SUSPENSION WITHIN ONE HUNDRED TWENTY DAYS AFTER RECEIVING THE PETITION; EXCEPT THAT A PERSON MAY PETITION THE COMMISSION NO MORE THAN THREE TIMES. UPON RECEIVING A FOURTH OR SUBSEQUENT PETITION, THE COMMISSION MAY DENY THE PETITION WITHOUT A HEARING.

(c) (I) THE COMMISSION MAY END A SUSPENSION IF:

(A) THE PERSON IS UNLIKELY TO VIOLATE THIS ARTICLE AGAIN;

(B) THE PERSON HAS NOT BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO ANY VIOLATION OF ARTICLES 1 TO 6 OF THIS TITLE AFTER THE SUSPENSION WAS IMPOSED; AND

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

(C) THE SUSPENSION IS THE PERSON'S FIRST IN COLORADO.

(II) IN DETERMINING WHETHER TO END A SUSPENSION UNDER THIS SUBSECTION (9), THE COMMISSION MAY CONSIDER WHETHER THE PERSON HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO ANY MISDEMEANOR OR FELONY.

(d) IF A SUSPENSION IS ENDED, THE COMMISSION MAY REQUIRE THE PETITIONER TO:

(I) PAY A REINSTATEMENT FEE, NOT TO EXCEED THREE HUNDRED DOLLARS;

(II) PERFORM SERVICE, NOT TO EXCEED FORTY HOURS, UNDER THE DIVISION'S DIRECTION ON WILDLIFE OR STATE PARK PROJECTS; OR

(III) ATTEND A HUNTER'S SAFETY OR HUNTER OUTREACH COURSE.

(e) THE COMMISSION SHALL HOLD A HEARING REQUIRED BY THIS SUBSECTION (9) AT ONE OF ITS REGULARLY SCHEDULED MEETINGS BUT NOT MORE THAN QUARTERLY.

(f) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2017. PRIOR TO THE REPEAL, THE COMMISSION SHALL REVIEW THE PETITION PROGRAM UNDER THIS SUBSECTION (9) TO DETERMINE WHETHER THE NUMBER OF PETITIONS GRANTED JUSTIFIES THE CONTINUANCE OF THE PROGRAM. BASED UPON THIS REVIEW, THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY WHETHER TO CONTINUE THIS SUBSECTION (9) BY OCTOBER 1, 2016.

SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the wildlife cash fund created in section 33-1-112 (1) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, for the fiscal year beginning July 1, 2012, the sum of \$23,419, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$3,028 to the executive director's office for legal services; and

(b) \$20,391 to the division of parks and wildlife, for allocation to the wildlife director's office.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2012, the sum of \$3,028, or so much thereof as may be necessary, for the provision of legal services to the department of natural resources related to the implementation of this act. Said sum is from reappropriated funds received from the department of natural resources out of the appropriation made in subsection (1) (a) of this section.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act

or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act apply to suspensions existing on or after the applicable effective date of this act.

Approved: June 4, 2012