

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0669.02 Jery Payne

SENATE BILL 08-069

SENATE SPONSORSHIP

Taylor,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE APPLICABILITY OF WILDLIFE PROHIBITIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Clarifies that a person who takes wildlife in compliance with a license, or in compliance with other restrictions on the time, place, and manner for such taking, does not commit illegal hunting, taking, possessing, or destruction of wildlife.

Establishes the level of culpability for the illegal selling or purchasing of wildlife to be the knowing sale or purchase of wildlife. Establishes the level of culpability for the illegal willful destruction of wildlife to be taking with the intention to abandon a part or all of the wildlife.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

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

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

4 **33-6-109. Wildlife - illegal possession.** (5) THIS SECTION SHALL
5 NOT APPLY TO ANY PERSON IN THE FOLLOWING CIRCUMSTANCES:

6 (a) IF A LICENSE IS REQUIRED TO TAKE THE WILDLIFE, THE PERSON
7 HOLDS THE REQUIRED LICENSE;

8 (b) IF THE LICENSE OR A RULE OF THE COMMISSION REQUIRES THE
9 WILDLIFE TO BE TAKEN IN A SPECIFIC AREA, THE PERSON TAKES THE
10 WILDLIFE IN SUCH AREA;

11 (c) IF A LICENSE OR RULE OF THE COMMISSION REQUIRES THE
12 WILDLIFE TO BE TAKEN DURING A SPECIFIC TIME, THE PERSON TAKES THE
13 WILDLIFE AT SUCH TIME; AND

14 (d) IF A LICENSE OR RULE OF THE COMMISSION REQUIRES THE
15 WILDLIFE TO BE TAKEN IN A SPECIFIC MANNER, THE PERSON TAKES THE
16 WILDLIFE IN SUCH A MANNER.

17 **SECTION 2.** 33-6-113 (1), Colorado Revised Statutes, is
18 amended to read:

19 **33-6-113. Illegal sale of wildlife.** (1) (a) Except as otherwise
20 provided in articles 1 to 6 of this title or by rule ~~or regulation~~ of the
21 commission, it is unlawful for any person to KNOWINGLY sell or purchase,
22 or KNOWINGLY offer for sale or purchase, ~~any~~ wildlife or to solicit another
23 person in the illegal hunting or taking of ~~any~~ wildlife for the purposes of
24 monetary or commercial gain or profit.

25 (b) For the purposes of this section, it is deemed to be a sale of
26 wildlife if a person, for monetary or other consideration, provides

1 unregistered outfitting services as defined in article 55.5 of title 12,
2 C.R.S.

3 **SECTION 3.** The introductory portion to 33-6-117 (1), Colorado
4 Revised Statutes, is amended, and the said 33-6-117 is further amended
5 BY THE ADDITION OF A NEW SUBSECTION, to read:

6 **33-6-117. Willful destruction of wildlife - legislative intent.**

7 (1) Except as is otherwise provided in articles 1 to 6 of this title or by
8 rule of the commission, it is unlawful for a person to ~~hunt or~~ take, or to
9 solicit another person to ~~hunt or~~ take, wildlife and TO detach or remove,
10 with the intent to abandon the REMAINDER OF THE carcass, ~~or body~~, only
11 the head, hide, claws, teeth, antlers, horns, internal organs, or feathers or
12 any ~~or all of~~ COMBINATION OF such parts; OR TO TAKE OR TO SOLICIT
13 ANOTHER PERSON TO TAKE WILDLIFE WITH THE INTENT TO ABANDON THE
14 CARCASS AND to abandon the carcass ~~or body~~ of such wildlife. ~~or to take~~
15 ~~and abandon wildlife.~~ A person who violates this subsection (1), with
16 respect to:

17 (3) THIS SECTION SHALL NOT APPLY TO ANY PERSON IN THE
18 FOLLOWING CIRCUMSTANCES:

19 (a) IF A LICENSE IS REQUIRED TO TAKE THE WILDLIFE, THE PERSON
20 HOLDS THE REQUIRED LICENSE;

21 (b) IF THE LICENSE OR A RULE OF THE COMMISSION REQUIRES THE
22 WILDLIFE TO BE TAKEN IN A SPECIFIC AREA, THE PERSON TAKES THE
23 WILDLIFE IN SUCH AREA;

24 (c) IF A LICENSE OR RULE OF THE COMMISSION REQUIRES THE
25 WILDLIFE TO BE TAKEN DURING A SPECIFIC TIME, THE PERSON TAKES THE
26 WILDLIFE AT SUCH TIME; AND

27 (d) IF A LICENSE OR RULE OF THE COMMISSION REQUIRES THE

1 WILDLIFE TO BE TAKEN IN A SPECIFIC MANNER, THE PERSON TAKES THE
2 WILDLIFE IN SUCH A MANNER.

3 **SECTION 4. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.