

HB1235\_L.015

## HOUSE COMMITTEE OF REFERENCE REPORT

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 Chairman of Committee

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 Date
Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB09-1235 be amended as follows:

1 Amend the State, Veterans, and Military Affairs Committee Report, dated  
 2 February 17, 2009, page 1, strike lines 4 through 16 and substitute the  
 3 following:

4 "Page 3 of printed bill, strike lines 10 through 27.

5 Page 4, strike lines 1 through 3 and substitute the following:

6 "SECTION 2. Part 1 of article 21 of title 13, Colorado Revised  
 7 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
 8 read:

9 **13-21-116.5. Civil liability for trespass - limited immunity -**  
 10 **volunteers cleaning up unoccupied property - definition - repeal.**

11 (1) AS USED IN THIS SECTION, "UNOCCUPIED PROPERTY" MEANS  
 12 RESIDENTIAL OR COMMERCIAL REAL PROPERTY AS TO WHICH IT WOULD  
 13 APPEAR TO A REASONABLE OBSERVER THAT:

14 (a) IF RESIDENTIAL PROPERTY, NO ONE IS LIVING IN IT, AND IF  
 15 COMMERCIAL PROPERTY, NO LAWFUL BUSINESS IS BEING CONDUCTED  
 16 THERE; AND

17 (b) THERE IS ON THE PROPERTY AN ACCUMULATION OF WEEDS,  
 18 BRUSH, TRASH, AND DEBRIS.

19 (2) ANY PERSON WHO GOES ONTO UNOCCUPIED PROPERTY ON AN



1 UNPAID, VOLUNTARY BASIS TO TRIM VEGETATION OR REMOVE  
2 ACCUMULATED WEEDS, BRUSH, TRASH, AND DEBRIS FROM THE PROPERTY:

3 (a) SHALL NOT BE LIABLE FOR ANY NOMINAL OR PRESUMED  
4 DAMAGES IN TRESPASS;

5 (b) SHALL BE LIABLE FOR ACTUAL DAMAGES CAUSED DURING  
6 ENTRY AND STAY UPON A LANDOWNER'S LAND; AND

7 (c) SHALL HAVE THE STATUS OF A LICENSEE AS DEFINED IN  
8 SECTION 13-21-115 WHILE ENGAGED IN SUCH ACTIVITIES. UNDER NO  
9 CIRCUMSTANCES SHALL A LANDOWNER BE LIABLE TO ANY SUCH PERSON  
10 FOR A SELF-INFLICTED INJURY OR FOR AN INJURY INFLICTED BY ONE SUCH  
11 PERSON UPON ANOTHER.

12 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

13 **SECTION 3.** Part 5 of article 4 of title 18, Colorado Revised  
14 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
15 read:

16 **18-4-515.5. Voluntary cleanup of unoccupied property -**  
17 **exception to criminal trespass - definition - repeal.** (1) AS USED IN  
18 THIS SECTION, "UNOCCUPIED PROPERTY" MEANS RESIDENTIAL OR  
19 COMMERCIAL REAL PROPERTY AS TO WHICH IT WOULD APPEAR TO A  
20 REASONABLE OBSERVER THAT:

21 (a) IF RESIDENTIAL PROPERTY, NO ONE IS LIVING IN IT, AND IF  
22 COMMERCIAL PROPERTY, NO LAWFUL BUSINESS IS BEING CONDUCTED  
23 THERE; AND

24 (b) THERE IS ON THE PROPERTY AN ACCUMULATION OF WEEDS,  
25 BRUSH, TRASH, AND DEBRIS.

26 (2) ANY PERSON WHO GOES ONTO UNOCCUPIED PROPERTY ON AN  
27 UNPAID, VOLUNTARY BASIS TO TRIM VEGETATION OR REMOVE  
28 ACCUMULATED WEEDS, BRUSH, TRASH, AND DEBRIS FROM THE PROPERTY:

29 (a) SHALL NOT BE DEEMED IN VIOLATION OF THE TRESPASS LAWS  
30 OF THIS PART 5; AND



1           (b) SHALL HAVE THE STATUS OF A LICENSEE AS DEFINED IN  
2 SECTION 13-21-115, C.R.S., WHILE ENGAGED IN SUCH ACTIVITIES. UNDER  
3 NO CIRCUMSTANCES SHALL A LANDOWNER BE LIABLE TO ANY SUCH  
4 PERSON FOR A SELF-INFLICTED INJURY OR FOR AN INJURY INFLICTED BY  
5 ONE SUCH PERSON UPON ANOTHER.

6           (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014."

7           Renumber succeeding section accordingly."

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