

Second Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 04-0685.01 Thomas Morris

HOUSE BILL 04-1201

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HOUSE SPONSORSHIP

Miller,

SENATE SPONSORSHIP

Chlouber,

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House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE AUTHORITY OF A NONPROFIT ORGANIZATION THAT  
102 CONDUCTS A RAFFLE OF HUNTING LICENSES TO RETAIN UP TO AN  
103 ADDITIONAL TEN PERCENT OF THE PROCEEDS OF THE SALE TO  
104 COVER ITS EXPENSES IN CONDUCTING THE RAFFLE.

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Bill Summary

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

Allows a nonprofit organization that conducts a raffle of deer, elk, or pronghorn hunting licenses to retain up to an additional 10% of the proceeds of the sale to cover its expenses in conducting the raffle.

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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.** 33-4-116.5 (1) (a), (1) (b) (III), (1) (c), (2) (a) (III),  
3 and (2) (b), Colorado Revised Statutes, are amended to read:

4 **33-4-116.5. Auction or raffle of deer, elk, and pronghorn**  
5 **licenses - use of proceeds.** (1) (a) The division is authorized to issue up  
6 to four male or female deer licenses, four male or female elk licenses, and  
7 four male or female ~~antelope~~ PRONGHORN licenses each year through a  
8 competitive auction or raffle. The commission shall promulgate rules  
9 pertaining to the license and the conduct of the auction or raffle.

10 (b) (III) A nonprofit organization involved in the conservation of  
11 ~~antelope~~ PRONGHORN may be authorized by the commission to conduct  
12 the license auction or raffle for the ~~antelope~~ PRONGHORN.

13 (c) If the auction or raffle is conducted by a nonprofit  
14 organization, the organization may retain proceeds of the sale, not to  
15 exceed eighty percent of such proceeds, to be used only for the purposes  
16 specified in subsection (2) of this section, AND MAY RETAIN UP TO TEN  
17 PERCENT OF SUCH PROCEEDS TO COVER EXPENSES. The organization shall  
18 account for all proceeds retained by the organization and shall present  
19 such accounting to the commission no less frequently than annually,  
20 either at the commission's first meeting of each calendar year or at such  
21 other times as the commission shall direct. Such auction or raffle shall  
22 be conducted pursuant to the provisions of Colorado law.

23 (2) (a) (III) All proceeds remaining from the auction or raffle of  
24 ~~antelope~~ PRONGHORN licenses, whether conducted by the commission or  
25 as otherwise authorized by the commission, shall be used only for the  
26 benefit of ~~antelope~~ PRONGHORN research, educational projects,  
27 management, or habitat development; except that habitat development

1 shall not include land acquisitions.

2 (b) The proceeds from the auctions or raffles shall be used for  
3 special projects and shall be in addition to any other moneys used for the  
4 management of deer, elk, or ~~antelope~~ PRONGHORN.

5 **SECTION 2.** 33-1-102 (2), Colorado Revised Statutes, is  
6 amended to read:

7 **33-1-102. Definitions.** As used in this title, unless the context  
8 otherwise requires:

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

14 **SECTION 3.** The introductory portion to 33-4-103 (1) and  
15 33-4-103 (3) (c) (I), Colorado Revised Statutes, are amended to read:

16 **33-4-103. Landowner preference for hunting license.** (1) Any  
17 landowner in Colorado is entitled to landowner preference for licenses  
18 permitting the hunting of deer, elk, or ~~antelope~~ PRONGHORN when the  
19 following qualifications are met:

20 (3) (c) (I) A landowner that applies to participate in the wildlife  
21 conservation application program shall have issued to that landowner  
22 applications for licenses permitting the hunting of deer, elk, ~~antelope~~  
23 PRONGHORN, and such other species, except for moose, rocky mountain  
24 big horn sheep, desert big horn sheep, and rocky mountain goat, as  
25 determined by the commission to meet animal management objectives for  
26 the game management unit in which the property lies, as long as such  
27 species inhabited the land for which a license is requested during the

1 greater portion of the year previous to the application. These applications  
2 shall be issued under the restrictions set forth in this subsection (3) and  
3 as a first priority for licenses over the preferences issued under  
4 subsections (1) and (2) of this section. Fifteen percent of the total  
5 number of licenses established for the game management unit where  
6 firearm hunting licenses are totally limited for the species for which the  
7 license is requested shall be made available to landowners who meet the  
8 qualifications of this section.

9 **SECTION 4.** 33-4-117 (4), Colorado Revised Statutes, is  
10 amended to read:

11 **33-4-117. Youth licenses - special restrictions and privileges -**  
12 **repeal.** (4) Youth big game licenses, entitling the holder to hunt deer,  
13 elk, or ~~antelope~~ PRONGHORN, may be purchased by persons twelve to  
14 fifteen years of age for the fees specified in section 33-4-102 (1.4) (w).  
15 ~~Said~~ THE fees include the search and rescue fund surcharge imposed  
16 under section 33-1-112.5 (2) (a). Persons under sixteen years of age  
17 hunting deer, elk, or ~~antelope~~ ~~must~~ PRONGHORN SHALL be accompanied  
18 by a person eighteen years of age or older as required by section 33-6-107  
19 (4).

20 **SECTION 5.** 33-6-109 (3) (d) and (3.4) (a) (VII), Colorado  
21 Revised Statutes, are amended to read:

22 **33-6-109. Wildlife - illegal possession.** (3) Any person who  
23 violates subsection (1) or (2) of this section is guilty of a misdemeanor  
24 and, depending upon the wildlife involved, shall be punished upon  
25 conviction by a fine or imprisonment, or both, and license suspension  
26 points or suspension or revocation of license privileges as follows:

27 (d) For each ~~antelope~~ PRONGHORN, deer, or big game species as

1 defined in the state or country of origin and not listed in paragraph (a),  
2 (b), or (c) of this subsection (3), a fine of seven hundred dollars and an  
3 assessment of fifteen points.

4 (3.4) (a) In addition to the criminal penalties listed in subsection  
5 (3) of this section, there shall be assessed a further penalty in the  
6 following amount for each of the following big game animals illegally  
7 taken:

8 (VII) For each pronghorn ~~antelope~~ with a horn length of at least  
9 fourteen inches, four thousand dollars.

10 **SECTION 6.** 33-6-110 (1) (c), Colorado Revised Statutes, is  
11 amended to read:

12 **33-6-110. Division action to recover possession and value of**  
13 **wildlife unlawfully taken.** (1) The division may bring and maintain a  
14 civil action against any person, in the name of the people of the state, to  
15 recover possession or value or both possession and value of any wildlife  
16 taken in violation of articles 1 to 6 of this title. A writ of replevin may  
17 issue in such an action without bond. No previous demand for possession  
18 shall be necessary. If costs or damages are adjudged in favor of the  
19 defendant, the same shall be paid out of the wildlife cash fund. Neither  
20 the pendency of such civil action nor a criminal prosecution for the same  
21 taking shall be a bar to the other; nor shall anything in this section affect  
22 the right of seizure under other provisions of articles 1 to 6 of this title.  
23 The following shall be considered the minimum value of the wildlife  
24 unlawfully taken or possessed and may be recovered in addition to  
25 recovery of possession of the wildlife:

26 (c) For each ~~antelope~~ PRONGHORN, deer, black bear, or mountain  
27 lion ..... \$500

1           **SECTION 7.** The introductory portion to 33-6-121 (1), Colorado  
2 Revised Statutes, is amended to read:

3           **33-6-121. Hunters to wear daylight fluorescent orange**  
4 **garments.** (1) Unless otherwise provided by commission rule, it is  
5 unlawful for any person to hunt or take elk, deer, ~~antelope~~ PRONGHORN,  
6 moose, or black bear with any firearm unless such person is wearing  
7 daylight fluorescent orange garments that meet the following  
8 requirements:

9           **SECTION 8. Effective date - applicability.** (1) This act shall  
10 take effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly that is  
12 allowed for submitting a referendum petition pursuant to article V,  
13 section 1 (3) of the state constitution (August 4, 2004, if adjournment sine  
14 die is on May 5, 2004); except that, if a referendum petition is filed  
15 against this act or an item, section, or part of this act within such period,  
16 then the act, item, section, or part, if approved by the people, shall take  
17 effect on the date of the official declaration of the vote thereon by  
18 proclamation of the governor.

19           (2) The provisions of this act shall apply to auctions and raffles  
20 occurring on or after the applicable effective date of this act.