



Colorado Legislative Council Staff Fiscal Note
**STATE and LOCAL
 FISCAL IMPACT**

Drafting Number: LLS 08-0669

Date: February 5, 2008

Prime Sponsor(s): Sen. Taylor

Bill Status: Senate Agriculture

Fiscal Analyst: David Porter (303-866-4375)

TITLE: CONCERNING THE APPLICABILITY OF WILDLIFE PROHIBITIONS.

Fiscal Impact Summary	FY 2008-2009	FY 2009-2010
State Revenue		
General Fund	< (\$ 2,500)	< (\$ 2,500)
Cash Funds		
Wildlife Cash Fund	< (1,250)	< (1,250)
Other Agency Cash Funds	< (1,250)	< (1,250)
State Expenditures		
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: The bill becomes effective upon signature of the Governor or upon becoming law without his signature.		
Appropriation Summary for FY 2008-2009: None.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill clarifies that a person cannot be charged with illegal hunting, taking, possessing, or destruction of wildlife if the person is hunting with the proper license and in compliance with other restrictions. Further, it establishes that the sale, purchase, or destruction of wildlife is illegal only if the act is done "knowingly." Current law does not require proof of mental culpability.

State Revenue

The Division of Wildlife, Department of Natural Resources, will continue to enforce all applicable laws. By raising the standard to "knowingly" violating the law, it is possible that fewer people will be convicted with illegal hunting, taking, possessing, or destruction of wildlife. In this case, fine revenue may be reduced.

Fine Revenue. Fine revenue for violations is allocated such that the General Fund receives one-half of the total fine. The remainder of the fine is credited based on the enforcement body that issued the fine. In cases where a DOW officer issues the citation, one-half of the fine revenue is

credited to the Wildlife Cash Fund. If the citation is issued by an officer of another state agency, one-half the fine revenue is credited to that agency. Annual fine revenue reductions are expected to be less than \$5,000.

Local Government Impact

For fines that are issued by a local peace officer, half of the fine revenue is credited to the appropriate local governmental entity. Again, any reduction in fine revenue is expected to be minimal, less than \$5,000.

Departments Contacted

Natural Resources

Judicial