

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0364.01 Michael Dohr

HOUSE BILL 10-1123

HOUSE SPONSORSHIP

Sonnenberg,

SENATE SPONSORSHIP

Renfroe,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONTROLLED AGRICULTURAL BURNS IN ARSON CASES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill states that it is not an arson offense if the person started a fire as a controlled agricultural burn in a reasonably cautious manner and there was no personal injury as a result.

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

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 **SECTION 1.** 18-4-105, Colorado Revised Statutes, is amended
2 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to**
3 **read:**

4 **18-4-105. Fourth degree arson.** (5) IT SHALL NOT BE AN ARSON
5 OFFENSE PURSUANT TO THIS SECTION IF:

6 (a) A PERSON STARTS AND MAINTAINS A FIRE AS A CONTROLLED
7 AGRICULTURAL BURN IN A REASONABLY CAUTIOUS MANNER; AND

8 (b) NO PERSON SUFFERS ANY OF THE FOLLOWING AS A RESULT OF
9 THE FIRE:

10 (I) BODILY INJURY;

11 (II) SERIOUS BODILY INJURY; OR

12 (III) DEATH.

13 (6) FOR PURPOSES OF THIS SECTION, "CONTROLLED AGRICULTURAL
14 BURN" MEANS A TECHNIQUE USED IN FARMING TO CLEAR THE LAND OF ANY
15 EXISTING CROP RESIDUE, KILL WEEDS AND WEED SEEDS, OR REDUCE FUEL
16 BUILDUP AND DECREASE THE LIKELIHOOD OF A FUTURE FIRE.

17 **SECTION 2. Act subject to petition - effective date -**
18 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
19 following the expiration of the ninety-day period after final adjournment
20 of the general assembly (August 11, 2010, if adjournment sine die is on
21 May 12, 2010); except that, if a referendum petition is filed pursuant to
22 section 1 (3) of article V of the state constitution against this act or an
23 item, section, or part of this act within such period, then the act, item,
24 section, or part shall not take effect unless approved by the people at the
25 general election to be held in November 2010 and shall take effect on the
26 date of the official declaration of the vote thereon by the governor.

1 (2) The provisions of this act shall apply to offenses committed on
2 or after the applicable effective date of this act.