

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 12-0882.01 Jery Payne x2157

HOUSE BILL 12-1330

HOUSE SPONSORSHIP

Becker, Priola, Sonnenberg

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A HEARING PROCESS TO END A**
102 **SUSPENSION OF PRIVILEGES TO ATTEMPT TO TAKE WILDLIFE,**
103 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 authorizes a person under a hunting or fishing license suspension to petition the commission of wildlife once each year to end the suspension after half the suspension or after 15 years for a lifetime suspension. The commission may end the suspension if the person is

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.*

unlikely to offend again, has not violated the wildlife statutes again, and the suspension is the person's first. Before ending the suspension, the commission may order a person to pay a fee of up to \$300, perform up to 40 hours of service on wildlife or park projects, or attend educational courses.

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

2 **SECTION 1.** In Colorado Revised Statutes, 33-6-106, **add** (9) as
3 follows:

4 **33-6-106. Suspension of license privileges - repeal.** (9) (a) A
5 PERSON MAY PETITION THE COMMISSION TO END A SUSPENSION ONCE
6 EVERY FIVE YEARS EITHER:

7 (I) AFTER HALF OF A SUSPENSION OF AT LEAST TEN YEARS BUT
8 LESS THAN A LIFETIME HAS ELAPSED; OR

9 (II) AFTER FIFTEEN YEARS OF A LIFETIME SUSPENSION HAS
10 ELAPSED.

11 (b) IF A PERSON PETITIONS THE COMMISSION TO END A SUSPENSION,
12 THE COMMISSION SHALL HOLD A HEARING TO DETERMINE WHETHER TO
13 END THE SUSPENSION WITHIN ONE HUNDRED TWENTY DAYS AFTER
14 RECEIVING THE PETITION; EXCEPT THAT A PERSON MAY PETITION THE
15 COMMISSION NO MORE THAN THREE TIMES. UPON RECEIVING A FOURTH OR
16 SUBSEQUENT PETITION, THE COMMISSION MAY DENY THE PETITION
17 WITHOUT A HEARING.

18 (c) (I) THE COMMISSION MAY END A SUSPENSION IF:

19 (A) THE PERSON IS UNLIKELY TO VIOLATE THIS ARTICLE AGAIN;

20 (B) THE PERSON HAS NOT BEEN CONVICTED OF OR PLED GUILTY OR
21 NOLO CONTENDERE TO ANY VIOLATION OF ARTICLES 1 TO 6 OF THIS TITLE
22 AFTER THE SUSPENSION WAS IMPOSED; AND

23 (C) THE SUSPENSION IS THE PERSON'S FIRST IN COLORADO.

1 (II) IN DETERMINING WHETHER TO END A SUSPENSION UNDER THIS
2 SUBSECTION (9), THE COMMISSION MAY CONSIDER WHETHER THE PERSON
3 HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO ANY
4 MISDEMEANOR OR FELONY.

5 (d) IF A SUSPENSION IS ENDED, THE COMMISSION MAY REQUIRE THE
6 PETITIONER TO:

7 (I) PAY A REINSTATEMENT FEE, NOT TO EXCEED THREE HUNDRED
8 DOLLARS;

9 (II) PERFORM SERVICE, NOT TO EXCEED FORTY HOURS, UNDER THE
10 DIVISION'S DIRECTION ON WILDLIFE OR STATE PARK PROJECTS; OR

11 (III) ATTEND A HUNTER'S SAFETY OR HUNTER OUTREACH COURSE.

12 (e) THE COMMISSION SHALL HOLD A HEARING REQUIRED BY THIS
13 SUBSECTION (9) AT ONE OF ITS REGULARLY SCHEDULED MEETINGS BUT
14 NOT MORE THAN QUARTERLY.

15 (f) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2017.
16 PRIOR TO THE REPEAL, THE COMMISSION SHALL REVIEW THE PETITION
17 PROGRAM UNDER THIS SUBSECTION (9) TO DETERMINE WHETHER THE
18 NUMBER OF PETITIONS GRANTED JUSTIFIES THE CONTINUANCE OF THE
19 PROGRAM. BASED UPON THIS REVIEW, THE COMMISSION SHALL MAKE
20 RECOMMENDATIONS TO THE GENERAL ASSEMBLY WHETHER TO CONTINUE
21 THIS SUBSECTION (9) BY OCTOBER 1, 2016.

22 **SECTION 2. Appropriation.** (1) In addition to any other
23 appropriation, there is hereby appropriated, out of any moneys in the
24 wildlife cash fund created in section 33-1-112 (1) (a), Colorado Revised
25 Statutes, not otherwise appropriated, to the department of natural
26 resources, for the fiscal year beginning July 1, 2012, the sum of \$23,419,
27 or so much thereof as may be necessary, to be allocated for the

1 implementation of this act as follows:

2 (a) \$3,028 to the executive director's office for legal services; and

3 (b) \$20,391 to the division of parks and wildlife, for allocation to
4 the wildlife director's office.

5 (2) In addition to any other appropriation, there is hereby
6 appropriated to the department of law, for the fiscal year beginning July
7 1, 2012, the sum of \$3,028, or so much thereof as may be necessary, for
8 the provision of legal services to the department of natural resources
9 related to the implementation of this act. Said sum is from reappropriated
10 funds received from the department of natural resources out of the
11 appropriation made in subsection (1) (a) of this section.

12 **SECTION 3. Act subject to petition - effective date -**
13 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
14 the expiration of the ninety-day period after final adjournment of the
15 general assembly (August 8, 2012, if adjournment sine die is on May 9,
16 2012); except that, if a referendum petition is filed pursuant to section 1
17 (3) of article V of the state constitution against this act or an item, section,
18 or part of this act within such period, then the act, item, section, or part
19 will not take effect unless approved by the people at the general election
20 to be held in November 2012 and, in such case, will take effect on the
21 date of the official declaration of the vote thereon by the governor.

22 (2) The provisions of this act apply to suspensions existing on or
23 after the applicable effective date of this act.