

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-0236.01 Bob Lackner x4350

HOUSE BILL 18-1051

HOUSE SPONSORSHIP

Hamner and Carver, Becker K., Exum, Singer, Thurlow

SENATE SPONSORSHIP

Coram and Merrifield, Cooke, Jones

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STATUTORY PROVISIONS ENACTED TO PROMOTE THE**
102 **EXTINGUISHMENT OF UNATTENDED FIRES.**

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://leg.colorado.gov/>.)

Wildfire Matters Review Committee. Section 1 of the bill modifies existing statutory provisions addressing county powers to extinguish unattended campfires by:

- ! Changing the penalty for leaving a campfire unattended from a class 2 petty offense to a class 3 misdemeanor with an accompanying change in the maximum sentence; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
February 14, 2018

HOUSE
Amended 2nd Reading
February 13, 2018

! Deleting provisions requiring a county to post notices concerning unattended campfires.

With respect to the existing statutory penalty for leaving a fire unattended or not thoroughly extinguishing a fire before leaving it on any property under the control of the division of parks and wildlife, **section 2** changes the penalty from a class 2 petty offense to a class 3 misdemeanor with an accompanying change in the maximum sentence.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 30-15-201 as
3 follows:

4 **30-15-201. Penalty for leaving campfire unattended.** (1) (a) ~~It~~
5 ~~is the duty of the board of county commissioners of each county in this~~
6 ~~state to cause to be erected and maintained, at suitable distances and in~~
7 ~~conspicuous places (at the side of the main-traveled highways of each~~
8 ~~county and at such other places in each county as each board may deem~~
9 ~~proper), notices printed in large letters on suitable signboards stating that~~
10 ~~campfires must not be left unattended and must be totally extinguished~~
11 ~~before breaking or leaving camp and that violators are subject to a~~
12 ~~fifty-dollar fine. Any person who leaves~~ STARTS OR MAINTAINS A
13 CAMPFIRE COMMITS THE OFFENSE OF LEAVING a campfire unattended
14 ~~commits a class 2 petty offense and, upon conviction thereof, shall be~~
15 ~~punished by a fine of fifty dollars~~ IF HE OR SHE KNOWINGLY OR
16 RECKLESSLY:

17 (I) FAILS TO REASONABLY ATTEND THE CAMPFIRE AT ALL TIMES:

18 OR

19 (II) FAILS TO THOROUGHLY EXTINGUISH THE CAMPFIRE BEFORE
20 LEAVING THE SITE.

21 (b) (I) A PERSON WHO COMMITS THE OFFENSE OF LEAVING A
22 CAMPFIRE UNATTENDED COMMITS A CLASS 2 PETTY OFFENSE AND, UPON

1 CONVICTION OF THE OFFENSE, SHALL BE PUNISHED BY A FINE OF FIFTY
2 DOLLARS.

3 (II) A PERSON WHO COMMITS THE OFFENSE OF LEAVING A
4 CAMPFIRE UNATTENDED WHERE THE CAMPFIRE IS LOCATED IN A FORESTED
5 OR GRASSLAND AREA COMMITS A CLASS 3 MISDEMEANOR AND, UPON
6 CONVICTION OF THE OFFENSE, SHALL BE PUNISHED BY A MINIMUM
7 SENTENCE OF A FIFTY DOLLAR FINE UP TO A MAXIMUM SENTENCE OF SIX
8 MONTHS IMPRISONMENT OR A SEVEN HUNDRED FIFTY DOLLAR FINE, OR
9 BOTH.

10 (2) ~~The erection of such notices shall be at the expense of each~~
11 ~~county, and at least twenty notices shall be posted and maintained in each~~
12 ~~county in this state. The board of governors of the Colorado state~~
13 ~~university system may also post similar notices, signed by the board and~~
14 ~~erected and maintained at its expense, at such points throughout the state~~
15 ~~as it deems necessary or expedient.~~

16 SECTION 2. In Colorado Revised Statutes, 33-15-106, **amend**
17 (1)(a) and (2)(a) as follows:

18 **33-15-106. Fires.** (1) On any property under the control of the
19 division, it is unlawful for any person to:

20 (a) ~~Leave a fire unattended or fail~~ START OR MAINTAIN A FIRE IF
21 HE OR SHE KNOWINGLY OR RECKLESSLY FAILS TO REASONABLY ATTEND
22 THE FIRE AT ALL TIMES OR FAILS to thoroughly extinguish a THE fire before
23 leaving it THE SITE;

24 (2) (a) Any person who violates ~~paragraph (a) of subsection (1)~~
25 SUBSECTION (1)(a) of this section is guilty of a ~~class 2 petty offense~~ CLASS
26 3 MISDEMEANOR and, upon conviction thereof, shall be punished by a ~~fine~~
27 ~~of fifty dollars~~ A MINIMUM SENTENCE OF A FIFTY DOLLAR FINE UP TO A

1 MAXIMUM SENTENCE OF SIX MONTHS IMPRISONMENT OR A SEVEN
2 HUNDRED FIFTY DOLLAR FINE, OR BOTH.

3 **SECTION 3. Effective date - applicability.** This act takes effect
4 July 1, 2018, and applies to offenses committed on or after said date.

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.