

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

PREAMENDED

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

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.

! 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.