

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 10-1123

BY REPRESENTATIVE(S) Sonnenberg, Baumgardner, Curry, Gardner B., Gerou, Kagan, Kerr J., Massey, Pace, Roberts, Stephens, Vaad, Vigil, Waller;
also SENATOR(S) Renfroe, Brophy, Kester, Lundberg, Schultheis, Schwartz, Whitehead.

CONCERNING CONTROLLED AGRICULTURAL BURNS IN ARSON CASES.

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

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

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

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

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

(I) BODILY INJURY;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) SERIOUS BODILY INJURY; OR

(III) DEATH.

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

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

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

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO