



SB20-008

SHORT TITLE: Enhance Penalties Water Quality Criminal Violations

LONG TITLE: Concerning the enhancement of penalties for criminal violations of water quality laws.

SPONSORS: Sen. Winter/Reps. Jackson and Hooten

COMMITTEES: Senate Agriculture & Natural Resources Committee

PURPOSE OF THE BILL: To increase the amount of penalties that may be levied upon various levels of criminal liability for water pollution in Colorado. It is assumed that doubling the amount of penalty would serve as deterrent to such actions

PROPOSERS OF THE BILL: Attorney General's Office

POTENTIAL STAKEHOLDERS: Entities holding discharge permits

BACKGROUND: Current penalties for pollution of Colorado's water are a maximum daily fine of \$12,500 for actions that are criminally negligent or reckless. Pollution resulting from intentional or knowing actions are subject to a \$25,000 daily maximum penalty. The current law specifies that a person who knowingly makes any false representation in a required record or who knowingly renders inaccurate any required water quality monitoring device or method is guilty of a misdemeanor and is subject to a fine of not more than \$10,000, imprisonment in the county jail for not more than 6 months, or both.

Is the Bill necessary this year: There does not appear to be a deadline for action

How does the bill change the law? The bill doubles the amount of penalty. In addition, **Section 2** makes these violations a class 5 felony and specifies that if two separate offenses occur in two separate occurrences during a period of two years, the maximum fine and imprisonment for the second offense are double the default amounts.

Does the bill affect the prior appropriations system? No

How is the bill implemented: The statutory maximum will change and subject to due process, violators may be assessed the new penalties

Practical consideration: Will the Water Quality Control Division need to revise penalty policies? How much notice needs to be provided regarding the new penalty structure? Will the increased amounts be subject to TABOR limitations?

Fiscal impact: There is fiscal impact statement