

NOTE: This bill has been prepared for the signatures 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.



SENATE BILL 25-168

BY SENATOR(S) Bright and Roberts, Amabile, Bridges, Cutter, Jodeh, Kipp, Michaelson Jenet, Wallace, Winter F.;
also REPRESENTATIVE(S) Armagost and Espenosa, Barron, Bacon, Bird, Boesenecker, Brown, Carter, Duran, Froelich, Lieder, Lindsay, Lindstedt, Lukens, McCormick, Paschal, Smith, Story, Titone.

CONCERNING THE PREVENTION OF ILLEGAL WILDLIFE TRAFFICKING.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The illegal trafficking of wildlife poses significant threats to native wildlife and wildlife habitats in Colorado and throughout the United States and the world;

(b) The trafficking of nonnative, invasive, or exotic species into Colorado, as well as the trafficking of native species out of Colorado, negatively impacts Colorado wildlife and habitats and can have cascading effects on ecosystem functions throughout the region;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) Wildlife trafficking is linked to other criminal operations, including drug trafficking, weapons trafficking, money laundering, and human trafficking, and can also create public health risks through an increased risk of zoonotic diseases that can damage our food systems and natural resources and infect humans and animals;

(d) Existing laws in Colorado are insufficient to effectively combat and prevent illegal wildlife trafficking;

(e) The division of parks and wildlife in the department of natural resources currently lacks staff capacity to effectively deter wildlife trafficking;

(f) Lack of data related to the illegal trafficking of native species limits Colorado's ability to assess the status of, threats to, and conservation needs of the state's native wildlife;

(g) Without adequate laws, capacity, and data, the division of parks and wildlife cannot effectively support federal agency efforts to combat illegal wildlife trafficking under the federal "Lacey Act (Game)" and other federal laws; and

(h) Legislation is needed to authorize additional capacity, collect data, and increase penalties related to illegal wildlife trafficking activities.

SECTION 2. In Colorado Revised Statutes, 33-6-109, **amend** (3)(a) and (3)(b) as follows:

33-6-109. Wildlife - illegal possession. (3) A person who violates subsection (1) or (2) of this section is guilty of a misdemeanor and, depending upon the wildlife involved, shall be punished upon conviction by a fine or imprisonment, or both, and license suspension points or suspension or revocation of license privileges as follows:

(a) For each animal listed as endangered or threatened PURSUANT TO SECTION 33-2-105 OR THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., a fine of not less than two thousand dollars and not more than one hundred thousand dollars, or by imprisonment for not more than one year in the county jail, or by both ~~such~~ fine and ~~such~~ imprisonment, and an assessment of twenty points. Upon conviction, the

commission may suspend any or all WILDLIFE license privileges of the person for a period of from one year to life.

(b) (I) For each bald eagle, golden eagle, rocky mountain goat, desert bighorn sheep, American peregrine falcon, or rocky mountain bighorn sheep OR ANY WILDLIFE SPECIES LISTED IN APPENDIX I TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA, a fine of not less than one thousand dollars and not more than one hundred thousand dollars, or by imprisonment for not more than one year in the county jail, or both ~~such~~ fine and ~~such~~ imprisonment, and an assessment of twenty points. Upon conviction, the commission may suspend any or all WILDLIFE license privileges of the person for a period of one year to life. A person who possesses all or a part of a bald eagle or golden eagle shall not be in violation of this section if the possession is authorized by 50 CFR 22.

(II) THE DIVISION SHALL MAKE A COPY OF APPENDIX I TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA AVAILABLE AT NO COST ON THE DIVISION'S PUBLIC WEBSITE AND MAKE A COPY OF APPENDIX I AVAILABLE FOR PUBLIC INSPECTION AT THE DIVISION'S OFFICE DURING REGULAR BUSINESS HOURS.

SECTION 3. In Colorado Revised Statutes, 33-6-110, **amend** (1) introductory portion, (1)(a), and (1)(b) as follows:

33-6-110. Division action to recover possession and value of wildlife unlawfully taken. (1) The division may bring and maintain a civil action against any person, in the name of the people of the state, to recover possession or value or both possession and value of any wildlife taken in violation of articles 1 to 6 of this ~~title~~ TITLE 33. A writ of replevin may issue in such an action without bond. No previous demand for possession shall be necessary. ~~If~~ ANY costs or damages are adjudged in favor of the defendant ~~the same~~ shall be paid out of the wildlife cash fund. Neither the pendency of such civil action nor a criminal prosecution for the same taking shall be a bar to the other; nor shall anything in this section affect the right of seizure under ~~other provisions of~~ articles 1 to 6 of this ~~title~~ TITLE 33. The following shall be considered the minimum value of the wildlife unlawfully taken or possessed and may be recovered in addition to recovery of possession of the wildlife:

(a) For each eagle, member of an endangered species LISTED PURSUANT TO SECTION 33-2-105 OR THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., rocky mountain goat, moose, rocky mountain bighorn sheep, or lynx \$1,000

(b) For each elk or member of a threatened species or subspecies LISTED PURSUANT TO SECTION 33-2-105 OR THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ. \$700

SECTION 4. In Colorado Revised Statutes, 33-6-113, **amend** (2) introductory portion and (2)(a) as follows:

33-6-113. Illegal sale of wildlife. (2) ~~Any~~ A person who violates this section:

(a) With respect to big game, ANIMALS LISTED AS endangered SPECIES OR THREATENED species PURSUANT TO SECTION 33-2-105 OR THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., or eagles, commits a class 5 felony and shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~ Upon ~~such~~ THE conviction, the commission may suspend any or all wildlife license privileges of the person for a minimum of one year to life.

SECTION 5. In Colorado Revised Statutes, **add** 33-6-113.1 as follows:

33-6-113.1. Illegal trafficking of wildlife - violation - penalties - investigations and surveys of trafficked wildlife - definition - appropriation. (1) EXCEPT AS OTHERWISE PROVIDED IN ARTICLES 1 TO 6 OF THIS TITLE 33 OR BY RULE OF THE COMMISSION, IT IS UNLAWFUL FOR ANY PERSON, IN THE COURSE OF THE SAME CRIMINAL EPISODE, TO KNOWINGLY POSSESS, SELL, PURCHASE, TRANSPORT, IMPORT, OR EXPORT, OR CAUSE TO BE TRANSPORTED, IMPORTED, OR EXPORTED, WILDLIFE FOR MONETARY GAIN OR OTHER COMPENSATION IF THE PERSON KNEW, OR IN THE EXERCISE OF DUE CARE SHOULD HAVE KNOWN, THAT THE WILDLIFE WAS TAKEN, POSSESSED, SOLD, TRANSPORTED, IMPORTED, OR EXPORTED IN VIOLATION OF:

(a) A STATE LAW, A FEDERAL LAW, OR THE LAW OF A TRIBAL GOVERNMENT;

(b) A STATE OR FEDERAL RULE OR REGULATION; OR

(c) A LAW OF OR REGULATION OF ANY OTHER NATION.

(2) EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4) OF THIS SECTION, A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501.

(3) A VIOLATION OF SUBSECTION (1) OF THIS SECTION WHEN THE AGGREGATE VALUE OF THE WILDLIFE INVOLVED IN THE VIOLATION IS MORE THAN ONE THOUSAND DOLLARS BUT LESS THAN TEN THOUSAND DOLLARS IS A CLASS 5 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401.

(4) A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS 4 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401 IF:

(a) THE AGGREGATE VALUE OF THE WILDLIFE INVOLVED IN THE VIOLATION IS TEN THOUSAND DOLLARS OR MORE;

(b) THE WILDLIFE INVOLVED IN THE VIOLATION IS AN ENDANGERED SPECIES OR THREATENED SPECIES ACCORDING TO THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ.;

(c) THE WILDLIFE INVOLVED IN THE VIOLATION IS AN ENDANGERED SPECIES OR THREATENED SPECIES PURSUANT TO SECTION 33-2-105; OR

(d) THE WILDLIFE INVOLVED IN THE VIOLATION IS A SPECIES LISTED IN APPENDIX I TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA.

(5) THE COMMISSION SHALL SUSPEND THE WILDLIFE LICENSE PRIVILEGES OF A PERSON CONVICTED OF VIOLATING SUBSECTION (1) OF THIS SECTION FOR A PERIOD OF FIVE YEARS TO LIFE.

(6) UPON CONVICTION FOR A VIOLATION OF SUBSECTION (1) OF THIS SECTION, THE COSTS OF HOUSING, CARING FOR, OR DISPOSAL OF SEIZED WILDLIFE BEFORE OR AFTER THE FILING OF FORMAL CHARGES AGAINST A PERSON ARE A PART OF THE COSTS ASSESSED UNDER SECTION 18-1.3-701.

(7) THE DIVISION SHALL CONDUCT INVESTIGATIONS OF AND SURVEYS OF COMMONLY TRAFFICKED WILDLIFE TO COLLECT INFORMATION AND DATA RELATED TO POPULATION, DISTRIBUTION, AND OTHER ECOLOGICAL DATA IN ORDER TO DETERMINE APPROPRIATE CONSERVATION, MANAGEMENT, AND LAW ENFORCEMENT MEASURES.

(8) AS USED IN THIS SECTION, "VALUE" MEANS THE MINIMUM VALUE AS DETERMINED BY SECTION 33-6-110 OR THE MARKET VALUE, WHICHEVER VALUE IS GREATER.

(9) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT MONEY TO IMPLEMENT THIS SECTION FROM THE WILDLIFE CASH FUND CREATED IN SECTION 33-1-112; EXCEPT THAT MONEY IN THE WILDLIFE CASH FUND FROM THE SALE OF HUNTING AND FISHING LICENSES OR FROM ASSOCIATED FEDERAL GRANTS IS NOT AVAILABLE FOR APPROPRIATION TO IMPLEMENT THIS SECTION.

SECTION 6. In Colorado Revised Statutes, 33-6-117, **amend** (1)(b)(I) as follows:

33-6-117. Willful destruction of wildlife - legislative intent.

(1) (b) A person who violates this subsection (1), with respect to:

(I) Big game, eagles, and endangered SPECIES OR THREATENED species PURSUANT TO SECTION 33-2-105 OR THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., commits a class 5 felony and shall be punished as provided in section 18-1.3-401 ~~C.R.S.~~, and, in addition, shall be punished by a fine of not less than one thousand dollars nor more than twenty thousand dollars. ~~For offenses committed on or after July 1, 1985, The COURT SHALL SET THE fine shall be~~ in an amount within the presumptive range set out in section 18-1.3-401 (1)(a)(III). ~~C.R.S.~~ Upon ~~such~~ conviction, the commission shall assess twenty license suspension points and suspend the wildlife license privileges for one year to life of the person convicted.

SECTION 7. Act subject to petition - effective date - applicability. (1) This act takes effect July 1, 2026; 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 the ninety-day period after final adjournment of the general assembly, then the

act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO