

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0752.01 Christopher McMichael x4775

SENATE BILL 25-168

SENATE SPONSORSHIP

Bright and Roberts,

HOUSE SPONSORSHIP

Armagost and Espenoza, Barron

Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PREVENTION OF ILLEGAL WILDLIFE TRAFFICKING.**

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>.)

The bill adds species that appear in Appendix I to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Appendix I) to the wildlife covered under Colorado's wildlife trafficking laws.

The bill establishes penalties for violating wildlife trafficking laws. A person who violates wildlife trafficking laws commits a class 1 misdemeanor; except that:

- If a person violates wildlife trafficking laws and the value

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

- of the wildlife involved is more than \$1,000 but less than \$10,000 the person commits a class 5 felony;
- If a person is convicted of trafficking wildlife and the wildlife involved is an endangered species or threatened species under Colorado law, the federal "Endangered Species Act of 1973", or a species that appears in CITES Appendix I, the person commits a class 4 felony; or
- If a person violates wildlife trafficking laws and the value of the wildlife involved is more than \$10,000, the person commits a class 4 felony.

The bill grants the parks and wildlife commission in the department of natural resources authority to suspend wildlife licenses held by a person convicted of a violation of wildlife trafficking laws.

The bill requires the division of parks and wildlife in the department of natural resources to conduct investigations and surveys to collect information and data related to wildlife trafficking and determine appropriate law enforcement measures based on those investigations and surveys.

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

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

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

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

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

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

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

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

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

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

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

17 **33-6-109. Wildlife - illegal possession.** (3) A person who
18 violates subsection (1) or (2) of this section is guilty of a misdemeanor
19 and, depending upon the wildlife involved, shall be punished upon
20 conviction by a fine or imprisonment, or both, and license suspension
21 points or suspension or revocation of license privileges as follows:

22 (a) For each animal listed as endangered or threatened PURSUANT
23 TO SECTION 33-2-105 OR THE FEDERAL "ENDANGERED SPECIES ACT OF
24 1973", 16 U.S.C. SEC. 1531 ET SEQ., a fine of not less than two thousand
25 dollars and not more than one hundred thousand dollars, or by
26 imprisonment for not more than one year in the county jail, or by both
27 ~~such~~ fine and ~~such~~ imprisonment, and an assessment of twenty points.

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

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

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

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

22 **33-6-110. Division action to recover possession and value of**
23 **wildlife unlawfully taken. (1) The division may bring and maintain a**
24 **civil action against any person, in the name of the people of the state, to**
25 **recover possession or value or both possession and value of any wildlife**
26 **taken in violation of articles 1 to 6 of this title TITLE 33. A writ of replevin**
27 **may issue in such an action without bond. No previous demand for**

1 possession shall be necessary. If ANY costs or damages are adjudged in
2 favor of the defendant the same shall be paid out of the wildlife cash
3 fund. Neither the pendency of such civil action nor a criminal prosecution
4 for the same taking shall be a bar to the other; nor shall anything in this
5 section affect the right of seizure under other provisions of articles 1 to
6 6 of this title TITLE 33. The following shall be considered the minimum
7 value of the wildlife unlawfully taken or possessed and may be recovered
8 in addition to recovery of possession of the wildlife:

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

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

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

18 **33-6-113. Illegal sale of wildlife.** (2) ~~Any~~ A person who violates
19 this section:

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

27 **SECTION 5.** In Colorado Revised Statutes, **add** 33-6-113.1 _____

1 as follows:

2 **33-6-113.1. Illegal trafficking of wildlife - violation - penalties**
3 **- investigations and surveys of trafficked wildlife - definition -**

4 **appropriation.** (1) EXCEPT AS OTHERWISE PROVIDED IN ARTICLES 1 TO
5 6 OF THIS TITLE 33 OR BY RULE OF THE COMMISSION, IT IS UNLAWFUL FOR
6 ANY PERSON, IN THE COURSE OF THE SAME CRIMINAL EPISODE, TO
7 KNOWINGLY POSSESS, SELL, PURCHASE, TRANSPORT, IMPORT, OR EXPORT,
8 OR CAUSE TO BE TRANSPORTED, IMPORTED, OR EXPORTED, WILDLIFE FOR
9 MONETARY GAIN OR OTHER COMPENSATION IF THE PERSON KNEW, OR IN
10 THE EXERCISE OF DUE CARE SHOULD HAVE KNOWN, THAT THE WILDLIFE
11 WAS TAKEN, POSSESSED, SOLD, TRANSPORTED, IMPORTED, OR EXPORTED
12 IN VIOLATION OF:

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

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

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

17 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4) OF THIS
18 SECTION, A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS 1
19 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
20 18-1.3-501.

21 (3) A VIOLATION OF SUBSECTION (1) OF THIS SECTION WHEN THE
22 AGGREGATE VALUE OF THE WILDLIFE INVOLVED IN THE VIOLATION IS MORE
23 THAN ONE THOUSAND DOLLARS BUT LESS THAN TEN THOUSAND DOLLARS
24 IS A CLASS 5 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION
25 18-1.3-401.

26 (4) A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS
27 4 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401

1 IF:

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

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

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

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

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

15 (6) UPON CONVICTION FOR A VIOLATION OF SUBSECTION (1) OF
16 THIS SECTION, THE COSTS OF HOUSING, CARING FOR, OR DISPOSAL OF
17 SEIZED WILDLIFE BEFORE OR AFTER THE FILING OF FORMAL CHARGES
18 AGAINST A PERSON ARE A PART OF THE COSTS ASSESSED UNDER SECTION
19 18-1.3-701.

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

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

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

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

9 **33-6-117. Willful destruction of wildlife - legislative intent.**

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

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

22 **SECTION 7. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect July 1, 2026; except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within the ninety-day period after final adjournment of the general
27 assembly, then the act, item, section, or part will not take effect unless

1 approved by the people at the general election to be held in November
2 2026 and, in such case, will take effect on the date of the official
3 declaration of the vote thereon by the governor.

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