

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

**INTRODUCED**

LLS NO. 23-0626.01 Jery Payne x2157

**HOUSE BILL 23-1066**

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**HOUSE SPONSORSHIP**

**Bradley,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Agriculture, Water & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING AUTHORIZING AN INDIVIDUAL TO MOVE BETWEEN TWO**  
102              **ADJACENT PARCELS OF PUBLIC LAND THAT TOUCH AT THE**  
103              **CORNERS.**

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**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>.)*

**Section 1** of the bill authorizes an individual to move from one corner of public land to another corner of public land where 2 public parcels meet 2 private parcels and share a common border, without being liable for criminal or civil trespass, if:

- 2 parcels of public land touch so that the individual can

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.

reasonably step from one parcel of public land to the other parcel of public land, or if there's a fence, could make the step as if there were not a fence;

- The individual moves over private land only as much as necessary to cross from one parcel of public land to the other;
- The individual does not step on or stand on the privately owned land or touch a fence on or other improvement to the privately owned land, but the individual may use mechanical means to move over the privately owned land; and
- The individual does not use a vehicle other than a wheelchair to cross over the private land.

This authorization does not apply to the following:

- Moving over an improvement to public land that is designed to be occupied by individuals;
- Entering public land to use it in a way that violates the law;
- Moving over public land that the governing entity has prohibited the general public from entering or has controlled access to.

**Section 1** also prohibits a landowner from erecting an improvement to such a corner that is more than 54 inches high within 4 feet of the corner.

**Section 2** requires a court to dismiss a trespass tort if the defendant has complied with **section 1**. A successful defendant is awarded costs, including attorney fees.

**Section 3** instructs the parks and wildlife commission to promulgate rules codifying the actions allowed in **section 1**. The division of parks and wildlife will publicize the rules.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-4-517 as  
3 follows:

4 **18-4-517. Public land corners - trespass exception - unlawful**  
5 **structure erection at corner - definitions.** (1) AS USED IN THIS SECTION,  
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "GOVERNMENT ENTITY" MEANS THE UNITED STATES  
8 GOVERNMENT, THE COLORADO GOVERNMENT, ANY POLITICAL

1 SUBDIVISION OF COLORADO, OR ANY AGENT OR AGENCY OF THE UNITED  
2 STATES GOVERNMENT, THE COLORADO GOVERNMENT, OR ANY POLITICAL  
3 SUBDIVISION OF COLORADO.

4 (b) "PRIVATELY OWNED LAND" MEANS REAL PROPERTY NOT  
5 OWNED BY A GOVERNMENT ENTITY.

6 (c) "PUBLIC LAND" MEANS REAL PROPERTY OWNED BY A  
7 GOVERNMENT ENTITY.

8 (d) "TRESPASS OFFENSE" MEANS AN OFFENSE DESCRIBED IN  
9 SECTION 18-4-502, 18-4-503, OR 18-4-504.

10 (e) "VEHICLE" MEANS A MECHANICAL DEVICE THAT MOVES WHILE  
11 CARRYING A PERSON FOR TRANSPORTATION.

12 (2) AN INDIVIDUAL WHO COMPLIES WITH SUBSECTION (3) OF THIS  
13 SECTION IS NOT GUILTY OF A TRESPASS OFFENSE IF:

14 (a) TWO PARCELS OF PUBLIC LAND HAVE A COMMON BORDER, NO  
15 MATTER HOW SMALL A BORDER, SO THAT:

16 (I) AN INDIVIDUAL CAN REASONABLY STEP FROM ONE PARCEL OF  
17 PUBLIC LAND TO THE OTHER PARCEL OF PUBLIC LAND; OR

18 (II) THE PRIVATELY OWNED LAND IS FENCED, AND AN INDIVIDUAL  
19 COULD REASONABLY STEP FROM ONE PARCEL OF PUBLIC LAND TO THE  
20 OTHER PARCEL OF PUBLIC LAND IF THE FENCE WERE NOT PRESENT;

21 (b) THE INDIVIDUAL MOVES FROM ONE OF THE PARCELS OF PUBLIC  
22 LAND DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION TO THE OTHER  
23 PARCEL OF PUBLIC LAND; AND

24 (c) THE INDIVIDUAL MOVES OVER THE PRIVATELY OWNED LAND  
25 ONLY AS MUCH AS NECESSARY TO CROSS FROM ONE OF THE PARCELS OF  
26 PUBLIC LAND TO THE OTHER PARCEL OF PUBLIC LAND.

27 (3) TO MOVE OVER PRIVATELY OWNED LAND WITHOUT THE

1 CONSENT OF THE OWNER:

2 (a) AN INDIVIDUAL MUST NOT STEP ON OR STAND ON THE  
3 PRIVATELY OWNED LAND OR TOUCH A FENCE ON OR OTHER IMPROVEMENT  
4 TO THE PRIVATELY OWNED LAND, BUT THE INDIVIDUAL MAY USE  
5 MECHANICAL MEANS, SUCH AS A LADDER, TO MOVE OVER THE PRIVATELY  
6 OWNED LAND WITHOUT STEPPING ON OR STANDING ON THE PRIVATELY  
7 OWNED LAND OR TOUCHING THE FENCE OR OTHER IMPROVEMENT TO THE  
8 PRIVATELY OWNED LAND; AND

9 (b) AN INDIVIDUAL MUST NOT USE A VEHICLE, OTHER THAN A  
10 WHEELCHAIR, TO CROSS BETWEEN TWO PARCELS OF PUBLIC LAND.

11 (4) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO:

12 (a) MOVES OVER AN IMPROVEMENT TO PUBLIC LAND THAT IS  
13 DESIGNED TO BE OCCUPIED BY INDIVIDUALS;

14 (b) ENTERS PUBLIC LAND TO USE THE PUBLIC LAND IN VIOLATION  
15 OF ANY STATUTE, RULE, REGULATION, ORDINANCE, OR RESOLUTION; OR

16 (c) MOVES OVER PUBLIC LAND:

17 (I) FROM WHICH THE GENERAL PUBLIC IS PROHIBITED FROM  
18 ENTERING BY THE GOVERNMENT ENTITY THAT OWNS THE LAND; OR

19 (II) TO WHICH THE GOVERNMENT ENTITY THAT OWNS THE LAND  
20 CONTROLS ACCESS.

21 (5) (a) AN OWNER OF PRIVATELY OWNED LAND SHALL NOT ERECT  
22 AN IMPROVEMENT TO THE PRIVATELY OWNED LAND THAT IS MORE THAN  
23 FIFTY-FOUR INCHES HIGH WITHIN FOUR FEET OF THE PROPERTY BOUNDARY  
24 WHERE AN INDIVIDUAL IS AUTHORIZED TO CROSS IN ACCORDANCE WITH  
25 THIS SECTION.

26 (b) A PERSON WHO VIOLATES THIS SUBSECTION (5) COMMITS A  
27 CLASS 2 MISDEMEANOR, PUNISHABLE, UPON CONVICTION, PURSUANT TO

1 SECTION 18-1.3-501.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 13-21-133 as  
3 follows:

4 **13-21-133. Public land corners - exception in civil actions for**  
5 **trespass.** A COURT SHALL DISMISS A CIVIL ACTION FOR THE TORT OF  
6 TRESPASS BASED ON ACTIONS AUTHORIZED BY SECTION 18-4-517 IF THE  
7 DEFENDANT COMPLIED WITH SECTION 18-4-517. IF A CIVIL ACTION IS  
8 DISMISSED BASED ON THIS SECTION, THE COURT SHALL ORDER THE  
9 PLAINTIFF TO REIMBURSE THE DEFENDANT'S COSTS, INCLUDING  
10 REASONABLE ATTORNEY FEES, INCURRED IN DEFENDING THE CIVIL ACTION.

11 **SECTION 3.** In Colorado Revised Statutes, **add** 33-6-133 as  
12 follows:

13 **33-6-133. Public land corners - rules.** (1) THE COMMISSION  
14 SHALL PROMULGATE RULES CODIFYING ACTIONS AUTHORIZED BY SECTION  
15 18-4-517 IF THE INDIVIDUAL COMPLIES WITH SECTION 18-4-517.

16 (2) THE DIVISION SHALL PUBLICIZE, INCLUDING USING HUNTING  
17 BROCHURES AND THE DIVISION'S WEBSITE, THE RULES REQUIRED BY THIS  
18 SECTION.

19 **SECTION 4. Act subject to petition - effective date -**  
20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
21 the expiration of the ninety-day period after final adjournment of the  
22 general assembly; except that, if a referendum petition is filed pursuant  
23 to section 1 (3) of article V of the state constitution against this act or an  
24 item, section, or part of this act within such period, then the act, item,  
25 section, or part will not take effect unless approved by the people at the  
26 general election to be held in November 2024 and, in such case, will take  
27 effect on the date of the official declaration of the vote thereon by the

1 governor.

2 (2) This act applies to acts committed on or after the applicable

3 effective date of this act.