

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

INTRODUCED

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

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, 33-6-113, **amend** (2)
21 introductory portion and (2)(a) as follows:

22 **33-6-113. Illegal sale of wildlife.** (2) ~~Any~~ A person who violates
23 this section:

24 (a) With respect to big game, ANIMALS LISTED AS endangered
25 SPECIES OR THREATENED species ACCORDING TO STATE LAW OR THE
26 FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET
27 SEQ., or eagles, commits a class 5 felony and shall be punished as

1 provided in section 18-1.3-401. ~~C.R.S.~~ Upon ~~such~~ THE conviction, the
2 commission may suspend any or all wildlife license privileges of the
3 person for a minimum of one year to life.

4 **SECTION 4.** In Colorado Revised Statutes, **add** 33-6-113.1 and
5 33-6-113.2 as follows:

6 **33-6-113.1. Illegal trafficking of wildlife - violation - penalties**

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

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

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

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

20 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4) OF THIS
21 SECTION, A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS 1
22 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
23 18-1.3-501.

24 (3) A VIOLATION OF SUBSECTION (1) OF THIS SECTION WHEN THE
25 AGGREGATE VALUE OF THE WILDLIFE INVOLVED IN THE VIOLATION IS MORE
26 THAN ONE THOUSAND DOLLARS BUT LESS THAN TEN THOUSAND DOLLARS
27 IS A CLASS 5 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION

1 18-1.3-401.

2 (4) A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS
3 4 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401
4 IF:

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

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

10 (c) THE WILDLIFE INVOLVED IN THE VIOLATION IS AN ENDANGERED
11 SPECIES OR THREATENED SPECIES UNDER COLORADO LAW; OR

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

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

18 (6) UPON CONVICTION FOR A VIOLATION OF SUBSECTION (1) OF
19 THIS SECTION, THE COSTS OF HOUSING, CARING FOR, OR DISPOSAL OF
20 SEIZED WILDLIFE BEFORE OR AFTER THE FILING OF FORMAL CHARGES
21 AGAINST A PERSON ARE A PART OF THE COSTS ASSESSED UNDER SECTION
22 18-1.3-701.

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

26 **33-6-113.2. Investigations and surveys of trafficked wildlife.**
27 THE DIVISION SHALL CONDUCT INVESTIGATIONS OF AND SURVEYS OF

1 COMMONLY TRAFFICKED WILDLIFE TO COLLECT INFORMATION AND DATA
2 RELATED TO POPULATION, DISTRIBUTION, AND OTHER ECOLOGICAL DATA
3 IN ORDER TO DETERMINE APPROPRIATE CONSERVATION, MANAGEMENT,
4 AND LAW ENFORCEMENT MEASURES.

5 **SECTION 5.** In Colorado Revised Statutes, 33-6-117, **amend**
6 (1)(b)(I) as follows:

7 **33-6-117. Willful destruction of wildlife - legislative intent.**

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

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

20 **SECTION 6. Applicability.** This act applies to offenses
21 committed on or after the effective date of this act.

22 **SECTION 7. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.