

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0287.01 Jery Payne x2157

SENATE BILL 22-031

SENATE SPONSORSHIP

Jaquez Lewis and Ginal,

HOUSE SPONSORSHIP

Amabile and Duran,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITIONS AGAINST TAKING CERTAIN ACTIONS THAT**
102 **MAY NEGATIVELY AFFECT CERTAIN NATIVE NORMALLY WILD**
103 **ANIMALS IN THE SUBFAMILY FELINAE.**

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>.)

Current law allows, when authorized by the parks and wildlife commission (commission), a person to hunt and take a bobcat or mountain lion. The bill generally prohibits shooting, wounding, killing, or trapping a bobcat, Canada lynx, or mountain lion. The bill allows for the shooting, wounding, killing, or trapping or the attempted shooting,

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

wounding, killing, or trapping if it is:

- Immediately necessary to protect an individual from bodily harm;
- By a peace officer or licensed veterinarian acting in the course and scope of their duties;
- By a federal, state, or local department of health to protect human health or safety;
- Authorized by a scientific collecting license;
- Authorized by a wildlife sanctuary license;
- Authorized by a commercial wildlife park license, unless the license authorizes the licensee to shoot, wound, kill, or engage in trapping bobcats, Canada lynx, or mountain lions;
- By a zoological park accredited by the Association of Zoos and Aquariums or is authorized by a zoological park license;
- Expressly authorized by federal law;
- By the division of parks and wildlife (division) for the protection of a threatened species or an endangered species; or
- By the division for the purpose of relocating the animal and is done using nonlethal methods and devices.

A person that shoots, wounds, or kills a bobcat, Canada lynx, or mountain lion to prevent bodily harm to an individual must notify the division within 24 hours after the incident and may not, without authorization from the division, remove from the site, retain, or transfer all or a portion of the bobcat, Canada lynx, or mountain lion.

The bill also establishes an exception for a livestock owner if the shooting, wounding, killing, or trapping of a bobcat or mountain lion occurs on land owned or leased by the livestock owner and is immediately necessary to protect livestock and to protect further loss of livestock if certain conditions are met. A person that shoots, wounds, kills, or traps a bobcat or mountain lion to protect livestock:

- Must report the wounding, trapping, or killing to the division within 5 days after the incident;
- May not, without authorization from the division, remove from the site, retain, or transfer all or a portion of the bobcat or mountain lion; and
- May not hold the animal in captivity unless for purposes of rehabilitation.

A person that violates the bill is guilty of a misdemeanor, punishable by a fine of \$500 to \$2,000 or up to one year in jail, an assessment of 20 hunting license suspension points, and civil restitution of \$700 for a mountain lion or bobcat and \$1,000 for a Canada lynx. Additionally, upon conviction, the commission may suspend the person's

hunting license for up to 5 years.

The penalty for doing any of the following without legal authority is a class 5 felony:

- Selling or purchasing a mountain lion;
- Offering for sale or purchase a mountain lion; or
- Soliciting another person to illegally hunt or take a mountain lion for monetary gain.

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

2 **SECTION 1.** In Colorado Revised Statutes, 33-1-102, **amend** (2),
3 (17), and (23) as follows:

4 **33-1-102. Definitions.** As used in this title 33, unless the context
5 otherwise requires:

6 (2) (a) "Big game" means elk, white-tailed deer, mule deer,
7 moose, rocky mountain bighorn sheep, desert bighorn sheep, rocky
8 mountain goat, pronghorn antelope, black bear, ~~mountain lion~~, and all
9 species of large mammals that may be introduced or transplanted into this
10 state for hunting or are classified as big game by the commission.

11 (b) "BIG GAME" DOES NOT INCLUDE MOUNTAIN LIONS.

12 (17) (a) "Furbearers" means those species with fur having
13 commercial value and ~~which~~ THAT provide opportunities for sport
14 harvest, including badger, gray fox, kit fox, swift fox, opossum, hog-nosed
15 skunk, spotted skunk, striped skunk, beaver, marten, mink, muskrat,
16 ringtail, long-tailed weasel, short-tailed weasel, coyote, ~~bobcat~~, red fox,
17 and raccoon and all species of furbearers that may be introduced or
18 transplanted into this state for commercial fur value and are classified as
19 furbearers by the commission.

20 (b) "FURBEARERS" DOES NOT INCLUDE BOBCATS.

21 (23) (a) "Game wildlife" means those wildlife species ~~which~~ THAT
22 may be lawfully hunted or taken for food, sport, or profit and ~~which~~ THAT

1 are classified as game wildlife by the commission.

2 (b) "GAME WILDLIFE" DOES NOT INCLUDE MOUNTAIN LIONS,
3 CANADA LYNXES, OR BOBCATS.

4 **SECTION 2.** In Colorado Revised Statutes, 33-3-103, **amend** (1)
5 introductory portion and (1)(a) as follows:

6 **33-3-103. No liability for damage - when.** (1) The state ~~shall~~ IS
7 not ~~be~~ liable for:

8 (a) Damage to livestock caused by coyotes, bobcats, or dogs. It is
9 the intent of the general assembly that the division shall use whatever
10 proper means are available to effectively minimize depredation to
11 livestock by coyotes and bobcats; EXCEPT THAT THE DIVISION SHALL NOT
12 USE MEANS PROHIBITED BY SECTION 33-6-133;

13 **SECTION 3.** In Colorado Revised Statutes, 33-3-106, **amend** (2)
14 and (3) as follows:

15 **33-3-106. Excessive damage to property - permit to take**
16 **wildlife - when - harassment by dogs.** (2) Any wildlife killed as
17 permitted under subsection (1) of this section ~~shall remain~~ REMAINS the
18 property of the state. ~~and~~ THE PERSON THAT KILLS THE WILDLIFE shall ~~be~~
19 ~~field-dressed~~ promptly FIELD DRESS THE WILDLIFE and ~~such killing shall~~
20 ~~be reported~~ REPORT THE KILLING to the division within forty-eight hours
21 AFTER THE KILLING; except that ~~the killing of~~ A PERSON THAT KILLS a bear
22 ~~or mountain lion~~ shall ~~be reported~~ REPORT THE KILLING within five days
23 AFTER THE KILLING.

24 (3) Nothing in this section ~~shall make~~ MAKES it unlawful to ~~trap~~
25 ENGAGE IN TRAPPING, TO kill, or TO otherwise dispose of bears ~~mountain~~
26 ~~lions~~, or dogs without a permit ~~in situations when it~~ IF DOING SO is
27 necessary to prevent them from inflicting death, damage, or injury to

1 livestock, real property, a motor vehicle, or human life and, additionally,
 2 in the case of dogs, when it is necessary to prevent them from inflicting
 3 death or injury to big game and to small game, birds, and mammals. Any
 4 wildlife killed as permitted under this subsection (3) ~~shall remain~~
 5 REMAINS the property of the state, and ~~such killing shall be reported to~~
 6 THE PERSON THAT KILLS THE WILDLIFE SHALL REPORT THE KILLING TO the
 7 division within five days AFTER THE KILLING. The division may bring a
 8 civil action against the owner of any dog ~~inflicting death or injury to~~
 9 THAT INJURES OR KILLS any big game ~~and to~~ OR ANY small game, birds,
 10 ~~and~~ OR mammals for the value of each game animal injured or killed. The
 11 minimum value of each animal ~~shall be as set forth in~~ IS CALCULATED IN
 12 ACCORDANCE WITH section 33-6-110.

13 **SECTION 4.** In Colorado Revised Statutes, 33-4-102, **repeal**
 14 (1.4)(s) as follows:

15 **33-4-102. Types of licenses and fees - rules.** (1.4) Except as
 16 otherwise provided in subsections (1.5) and (1.6) of this section, the
 17 division may issue the following resident and nonresident licenses and
 18 shall collect the following fees:

	Fees	
	Resident	Nonresident
21 (s) Mountain lion	48.00	660.00

22 **SECTION 5.** In Colorado Revised Statutes, 33-6-107, **amend** (9)
 23 as follows:

24 **33-6-107. Licensing violations - penalties - rule.** (9) For the
 25 purposes of this section, any person, any member of ~~such~~ THE person's
 26 family, or any employee of the person may hunt, ~~trap~~ ENGAGE IN
 27 TRAPPING, or take black-billed magpies, common crows, starlings,

1 English or house sparrows, common pigeons, coyotes, ~~bobcats~~, red foxes,
2 raccoons, jackrabbits, badgers, marmots, prairie dogs, pocket gophers,
3 Richardson's ground squirrels, rock squirrels, thirteen-lined ground
4 squirrels, porcupines, crayfish, tiger salamanders, muskrats, beavers,
5 exotic wildlife, and common snapping turtles on lands owned or leased
6 by the person without securing licenses to do so, but only when such
7 wildlife is causing damage to crops, real or personal property, or
8 livestock. Any person may kill skunks or rattlesnakes when necessary to
9 protect life or property. The pelts or hides of any mammals taken under
10 this subsection (9) may be transferred, possessed, traded, bartered, or sold
11 by a person who holds an appropriate small game license.

12 **SECTION 6.** In Colorado Revised Statutes, 33-6-109, **amend**
13 (3)(c) as follows:

14 **33-6-109. Wildlife - illegal possession.** (3) A person who
15 violates subsection (1) or (2) of this section is guilty of a misdemeanor
16 and, depending upon the wildlife involved, shall be punished upon
17 conviction by a fine or imprisonment, or both, and BY license suspension
18 points or suspension or revocation of license privileges as follows:

19 (c) For each elk, bear, OR moose, ~~or mountain lion~~, a fine of one
20 thousand dollars and an assessment of fifteen points.

21 **SECTION 7.** In Colorado Revised Statutes, 33-6-110, **amend** (1)
22 introductory portion, (1)(b), and (1)(c) as follows:

23 **33-6-110. Division action to recover possession and value of**
24 **wildlife unlawfully taken.** (1) The division may bring and maintain a
25 civil action against any person, in the name of the people of the state, to
26 recover possession or value or both possession and value of any wildlife
27 taken in violation of articles 1 to 6 of this ~~title~~ TITLE 33. A writ of

1 replevin may issue in such an action without bond. No previous demand
2 for possession ~~shall be~~ IS necessary. If costs or damages are adjudged in
3 favor of the defendant, the ~~same shall be paid out of~~ DIVISION SHALL PAY
4 FROM the wildlife cash fund. Neither the pendency of such civil action nor
5 a criminal prosecution for the same taking ~~shall be~~ IS a bar to the other;
6 nor ~~shall~~ DOES anything in this section affect the right of seizure under
7 other provisions of articles 1 to 6 of this ~~title~~ TITLE 33. The following
8 ~~shall be considered~~ ARE the minimum ~~value~~ VALUES of the wildlife
9 unlawfully taken or possessed and may be recovered in addition to
10 recovery of possession of the wildlife:

11 (b) For each elk, BOBCAT, MOUNTAIN LION, or member of a
12 threatened species or subspecies \$ 700

13 (c) For each pronghorn, deer, OR black bear ~~or mountain lion~~
14 \$ 500

15 **SECTION 8.** In Colorado Revised Statutes, 33-6-113, **amend**
16 (2)(a) as follows:

17 **33-6-113. Illegal sale of wildlife.** (2) Any person who violates
18 this section:

19 (a) With respect to big game, endangered species, MOUNTAIN
20 LIONS, or eagles, commits a class 5 felony and shall be punished as
21 provided in section 18-1.3-401. ~~C.R.S.~~ Upon such conviction, the
22 commission may suspend any or all wildlife license privileges of the
23 person for a minimum of one year to life.

24 **SECTION 9.** In Colorado Revised Statutes, **add** 33-6-133 as
25 follows:

26 **33-6-133. Hunting and taking bobcats, Canada lynx, and**
27 **mountain lions prohibited - exceptions - additional prohibited acts -**

1 **penalties.** (1) NOTWITHSTANDING ARTICLE 3 OF THIS TITLE 33, ARTICLE
2 40 OF TITLE 35, OR ANY OTHER PROVISION OF LAW AND EXCEPT AS
3 PROVIDED IN SUBSECTIONS (2) AND (3) OF THIS SECTION, IT IS UNLAWFUL
4 FOR A PERSON TO INTENTIONALLY DO OR ATTEMPT TO DO THE FOLLOWING
5 TO A BOBCAT, CANADA LYNX, OR MOUNTAIN LION:

- 6 (a) WOUND IT;
- 7 (b) SHOOT IT;
- 8 (c) KILL IT; OR
- 9 (d) ENGAGE IN TRAPPING IT.

10 (2) (a) UNLESS OTHERWISE PROHIBITED BY FEDERAL OR STATE
11 LAW, THIS SECTION DOES NOT APPLY TO THE SHOOTING OF, WOUNDING OF,
12 KILLING OF, OR TRAPPING OF A BOBCAT, CANADA LYNX, OR MOUNTAIN
13 LION OR TO AN ATTEMPT TO SHOOT, WOUND, KILL, OR ENGAGE IN TRAPPING
14 A BOBCAT, CANADA LYNX, OR MOUNTAIN LION IF THE SHOOTING,
15 WOUNDING, KILLING, OR TRAPPING OR ATTEMPT IS:

16 (I) IMMEDIATELY NECESSARY TO PROTECT AN INDIVIDUAL FROM
17 BODILY HARM;

18 (II) BY A PEACE OFFICER OR LICENSED VETERINARIAN ACTING IN
19 THE COURSE AND SCOPE OF THE PEACE OFFICER'S OR LICENSED
20 VETERINARIAN'S OFFICIAL DUTIES;

21 (III) BY A FEDERAL, STATE, COUNTY, MUNICIPAL, OR CITY AND
22 COUNTY DEPARTMENT OF HEALTH TO PROTECT HUMAN HEALTH OR
23 SAFETY;

24 (IV) AUTHORIZED BY A SCIENTIFIC COLLECTING LICENSE ISSUED
25 UNDER SECTION 33-4-102 (2)(a);

26 (V) AUTHORIZED BY A WILDLIFE SANCTUARY LICENSE ISSUED
27 UNDER SECTION 33-4-102 (2)(i);

1 (VI) AUTHORIZED BY A COMMERCIAL WILDLIFE PARK LICENSE
2 ISSUED UNDER SECTION 33-4-102 (2)(f), UNLESS THE COMMERCIAL
3 WILDLIFE PARK LICENSE IS ISSUED TO AUTHORIZE THE LICENSEE TO SHOOT,
4 WOUND, KILL, OR ENGAGE IN TRAPPING BOBCATS, CANADA LYNX, OR
5 MOUNTAIN LIONS;

6 (VII) BY A ZOOLOGICAL PARK ACCREDITED BY THE ASSOCIATION
7 OF ZOOS AND AQUARIUMS OR IS AUTHORIZED BY A ZOOLOGICAL PARK
8 LICENSE ISSUED UNDER SECTION 33-4-102 (13)(a);

9 (VIII) EXPRESSLY AUTHORIZED BY FEDERAL LAW;

10 (IX) BY THE DIVISION FOR THE PROTECTION OF A THREATENED
11 SPECIES OR AN ENDANGERED SPECIES OR FOR THE PROTECTION OF A
12 SPECIES LISTED AS THREATENED OR ENDANGERED IN THE FEDERAL
13 "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531 ET SEQ., AS
14 AMENDED; OR

15 (X) BY THE DIVISION FOR THE PURPOSE OF RELOCATING THE
16 ANIMAL AND IS DONE USING NONLETHAL METHODS AND DEVICES.

17 (b) A PERSON THAT SHOOTS, KILLS, OR WOUNDS A BOBCAT,
18 CANADA LYNX, OR MOUNTAIN LION UNDER SUBSECTION (2)(a)(I) OF THIS
19 SECTION:

20 (I) SHALL NOTIFY THE DIVISION WITHIN TWENTY-FOUR HOURS
21 AFTER SHOOTING, WOUNDING, OR KILLING THE ANIMAL; AND

22 (II) SHALL NOT, WITHOUT AUTHORIZATION FROM THE DIVISION,
23 REMOVE FROM THE SITE, RETAIN, OR TRANSFER THE BOBCAT, CANADA
24 LYNX, OR MOUNTAIN LION OR A PORTION OF THE BOBCAT, CANADA LYNX,
25 OR MOUNTAIN LION.

26 (3) (a) SUBJECT TO THE LIMITATIONS IN SECTION 12b OF ARTICLE
27 XVIII OF THE STATE CONSTITUTION, A LANDOWNER THAT IS A LIVESTOCK

1 OWNER OR A LESSEE THAT IS A LIVESTOCK OWNER MAY SHOOT, WOUND,
2 KILL, OR ENGAGE IN TRAPPING A BOBCAT OR MOUNTAIN LION IF:

3 (I) THE SHOOTING, WOUNDING, KILLING, OR TRAPPING OCCURS ON
4 LAND THAT IS OWNED OR LEASED BY THE LIVESTOCK OWNER AND IS USED
5 TO KEEP LIVESTOCK;

6 (II) THE SHOOTING, WOUNDING, KILLING, OR TRAPPING IS
7 IMMEDIATELY NECESSARY TO PROTECT LIVESTOCK OR TO PROTECT
8 FURTHER LOSS OF LIVESTOCK;

9 (III) THE SHOOTING, WOUNDING, KILLING, OR TRAPPING IS NOT
10 OTHERWISE PROHIBITED BY STATE OR FEDERAL LAW;

11 (IV) THE LIVESTOCK OWNER SUBMITS A WRITTEN REQUEST TO
12 PREVENT FURTHER DEPREDATION OF LIVESTOCK TO THE DIVISION THAT
13 INCLUDES A DETAILED DESCRIPTION OF EACH ATTACK AGAINST THE
14 LIVESTOCK, INCLUDING DOCUMENTED EVIDENCE OF:

15 (A) THE SPECIES INVOLVED;

16 (B) THE PRECISE LOCATION OF EACH ATTACK;

17 (C) THE DATES WHEN EACH ATTACK OCCURRED;

18 (D) EVIDENCE THAT THE ATTACKS ARE ONGOING; AND

19 (E) PICTURES OF THE SCENE AND OF THE INJURED OR KILLED
20 LIVESTOCK; AND

21 (V) THE DIVISION FINDS, BASED ON THE WRITTEN REQUEST, THAT
22 THE LIVESTOCK ATTACKS HAVE MOST LIKELY BEEN CAUSED BY A BOBCAT
23 OR MOUNTAIN LION.

24 (b) A PERSON THAT SHOOTS, WOUNDS, KILLS, OR ENGAGES IN
25 TRAPPING A BOBCAT OR MOUNTAIN LION UNDER THIS SUBSECTION (3):

26 (I) SHALL NOT USE A DOG TO SHOOT, WOUND, OR KILL A BOBCAT
27 OR MOUNTAIN LION;

1 (II) SHALL NOTIFY THE DIVISION OF THE SHOOTING, WOUNDING,
2 KILLING, OR TRAPPING WITHIN FIVE DAYS AFTER THE INCIDENT;

3 (III) SHALL NOT, WITHOUT AUTHORIZATION FROM THE DIVISION,
4 REMOVE FROM THE SITE, RETAIN, OR TRANSFER THE BOBCAT OR MOUNTAIN
5 LION OR A PORTION OF THE BOBCAT OR MOUNTAIN LION; AND

6 (IV) SHALL NOT HOLD THE BOBCAT OR MOUNTAIN LION IN
7 CAPTIVITY UNLESS FOR PURPOSES OF REHABILITATION BY A WILDLIFE
8 REHABILITATOR.

9 (c) A BOBCAT OR MOUNTAIN LION KILLED AS AUTHORIZED BY THIS
10 SUBSECTION (3) REMAINS THE PROPERTY OF THE STATE.

11 (4) (a) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A
12 MISDEMEANOR AND SHALL BE PUNISHED BY:

13 (I) A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT
14 MORE THAN TWO THOUSAND DOLLARS, BY IMPRISONMENT FOR NOT MORE
15 THAN ONE YEAR IN THE COUNTY JAIL, OR BY BOTH; AND

16 (II) AN ASSESSMENT OF TWENTY LICENSE SUSPENSION POINTS.

17 (b) UPON CONVICTION, THE COMMISSION MAY SUSPEND ANY OR
18 ALL LICENSE PRIVILEGES OF THE PERSON FOR A PERIOD OF UP TO FIVE
19 YEARS.

20 **SECTION 10.** In Colorado Revised Statutes, 35-40-100.2,
21 **amend** (1) as follows:

22 **35-40-100.2. Definitions - rules.** As used in this part 1, unless the
23 context otherwise requires:

24 (1) (a) "Animal" means ~~coyotes, foxes, bobcats, bears, mountain~~
25 ~~lions, wolves, beavers, muskrats, raccoons, opossums, and striped skunks~~
26 ~~and any animals~~ A COYOTE, A FOX, A BEAR, A WOLF, A BEAVER, A
27 MUSKRAT, A RACCOON, AN OPOSSUM, AND A STRIPED SKUNK AND ANY

1 ANIMAL identified by rule promulgated by the commissioner and
2 approved by the parks and wildlife commission.

3 (b) "ANIMAL" DOES NOT INCLUDE A BOBCAT, CANADA LYNX, OR
4 MOUNTAIN LION.

5 **SECTION 11.** In Colorado Revised Statutes, 35-40-101, **amend**
6 (2)(c) and (6) as follows:

7 **35-40-101. Powers and duties of the commissioner - rules -**
8 **agreements.** (2) The commissioner may take such steps as are necessary
9 to carry out this part 1, including:

10 (c) Allowing state employees and owners of agricultural products
11 or resources and their families, employees, agents, and identified
12 designees to control depredating animals. Any bears ~~or mountain lions~~
13 taken by identified designees ~~shall~~ remain the property of the state. The
14 license requirements of section 33-6-107 (9) ~~C.R.S., shall~~ DO not apply
15 to this ~~article~~ ARTICLE 40; except that the identified designee shall possess
16 a small game or furbearer license.

17 (6) The commissioner may enter into written agreements on behalf
18 of the state with the United States to define ~~such procedure~~ PROCEDURES
19 in accordance with sections 35-40-101 to 35-40-106 as ~~said~~ THE
20 commissioner ~~shall deem~~ DETERMINES ARE advisable and proper for the
21 purpose of cooperating with the United States in the control in this state
22 of coyotes, wolves, ~~mountain lions, bobcats,~~ and other depredating
23 animals. The commissioner may also enter into written agreements
24 concerning the analysis of depredation.

25 **SECTION 12. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly; except that, if a referendum petition is filed pursuant
2 to section 1 (3) of article V of the state constitution against this act or an
3 item, section, or part of this act within such period, then the act, item,
4 section, or part will not take effect unless approved by the people at the
5 general election to be held in November 2022 and, in such case, will take
6 effect on the date of the official declaration of the vote thereon by the
7 governor.

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