

Initiative 2023-2024 #91: Prohibit Trophy Hunting

Received  
Legislative Council Staff  
9/22/2023, 11:58 AM

*Be it Enacted by the People of the State Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** 33-4-101.4 as follows:

(1) THE VOTERS OF COLORADO FIND AND DECLARE THAT ANY TROPHY HUNTING OF MOUNTAIN LIONS, BOBCATS, OR LYNX IS INHUMANE, SERVES NO SOCIALLY ACCEPTABLE OR ECOLOGICALLY BENEFICIAL PURPOSE, AND FAILS TO FURTHER PUBLIC SAFETY. TROPHY HUNTING IS PRACTICED PRIMARILY FOR THE DISPLAY OF AN ANIMAL'S HEAD, FUR, OR OTHER BODY PARTS, RATHER THAN FOR UTILIZATION OF THE MEAT. MOREOVER, IT IS ALMOST ALWAYS CONDUCTED BY UNSPORTING MEANS, INCLUDING, BUT NOT LIMITED TO, USING PACKS OF DOGS WITH ELECTRONIC DEVICES TO PURSUE AND ENTRAP AFFECTED ANIMALS IN PLACES FROM WHICH THEY CANNOT ESCAPE IN ORDER TO ACHIEVE THE KILL. THEREFORE, IT IS APPROPRIATE AND NECESSARY TO BAN TROPHY HUNTING OF MOUNTAIN LIONS, BOBCATS, AND LYNX IN COLORADO.

(2) AS USED IN THIS SECTION:

(a) "ENTRAP" MEANS TRAPPING, STALKING, OR PURSUING A MOUNTAIN LION, BOBCAT, OR LYNX, INCLUDING BUT NOT LIMITED TO USING ONE OR MORE DOGS IN SUCH ACTS, UNLESS CONDUCTED AS PROVIDED IN SECTION 33-6-206(a), (c), AND (d).

(b) "TROPHY HUNTING" MEANS INTENTIONALLY:

(I) KILLING, WOUNDING, OR ENTRAPPING A MOUNTAIN LION, BOBCAT, OR LYNX; OR

(II) DISCHARGING OR RELEASING ANY DEADLY WEAPON, AS DEFINED IN SECTION 18-1-901(3)(e) AT A MOUNTAIN LION, BOBCAT, OR LYNX.

(c) "TROPHY HUNTING" DOES NOT INCLUDE:

(I) ANY ACT SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION IF IT WAS CONDUCTED IN THE DEFENSE OF HUMAN LIFE, LIVESTOCK, REAL OR PERSONAL PROPERTY, OR A MOTOR VEHICLE PURSUANT TO SECTION 33-3-106 AND APPROPRIATE NONLETHAL METHODS HAVE BEEN USED, TO THE EXTENT SUCH METHODS ARE CONSISTENT WITH ACTIONS NEEDED TO DEFEND HUMAN LIFE AS WELL AS ANY APPLICABLE STANDARDS PRESCRIBED BY RULE OF THE COMMISSION; AND

(II) ANY ACT SPECIFIED IN SUBSECTION (2) (b) IF IT WAS CONDUCTED BY AN AUTHORIZED EMPLOYEE OF THE DIVISION OF PARKS AND WILDLIFE OR THE UNITED STATES DEPARTMENT OF AGRICULTURE, WHEN THE EMPLOYEE IS ACTING IN HIS OR HER OFFICIAL CAPACITY; OR

(III) THE ACCIDENTAL WOUNDING OR KILLING OF A MOUNTAIN LION, LYNX, OR BOBCAT BY A MOTOR VEHICLE, VESSEL, OR TRAIN.

(3) TROPHY HUNTING OF ANY MOUNTAIN LION, BOBCAT, OR LYNX IS PROHIBITED.

(4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS 2 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501.

(b) ANY PERSON CONVICTED OF ANY OFFENSE UNDER THIS SECTION WHO HOLDS A WILDLIFE LICENSE SHALL NOT BE ABLE TO HOLD OR EXERCISE THE PRIVILEGES OF SUCH A LICENSE FOR FIVE YEARS.

(c) ANY PERSON CONVICTED OF TWO OR MORE OFFENSES UNDER THIS SECTION IS PROHIBITED FROM HOLDING OR EXERCISING THE PRIVILEGES OF SUCH A LICENSE FOR LIFE.

**SECTION 2.** In Colorado Revised Statutes, 33-4-102, **amend** (1.4)(s) as follows:

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

	Fees	
	Resident	Nonresident
(s) <del>Mountain lion</del>	<del>48.00</del>	<del>660.00</del>

**SECTION 3.** In Colorado Revised Statutes, 33-6-107, **amend** (9) as follows:

**33-6-107 Licensing violations – penalties – rule.** (9) For the purposes of this section, any person, any member of such person’s family, or any employee of the person may hunt, trap, or take black-billed magpies, common crows, starlings, English or house sparrows, common pigeons, coyotes, ~~bobcats~~, red foxes, raccoons, jackrabbits, badgers, marmots, prairie dogs, pocket gophers, Richardson’s ground squirrels, rock squirrels, thirteen-lined ground squirrels, porcupines, crayfish, tiger salamanders, muskrats, beavers, exotic wildlife, and common snapping turtles on lands owned or leased by the person without securing licenses to do so, but only when such wildlife is causing damage to crops, real or personal property, or livestock. Any person may kill skunks or rattlesnakes when necessary to protect life or property. The pelts or hides of any mammals taken under this subsection (9) may be transferred, possessed, traded, bartered, or sold by a person who holds an appropriate small game license.

**SECTION 4.** In Colorado Revised Statutes, 33-6-110, **amend** (3)(c) as follows:

(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:

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

**SECTION 5.** In Colorado Revised Statutes, 33-6-110, **amend** (1)(a) and (c) 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. A writ of replevin may issue in such an action without bond. No previous demand for possession shall be necessary. If 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. 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, rocky mountain goat, moose, rocky mountain bighorn sheep, MOUNTAIN LION, BOBCAT, or lynx = \$1,000

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

**SECTION 6. Effective date - applicability.** This measure shall apply on and after the date it is declared by proclamation of the governor to have been adopted by voters.