

Initiative #101 - AMENDED

Be it Enacted by the People of the State Colorado:

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

33-4-101.4. ~~Wild cats~~ Mountain lions, bobcats, and lynx – declaration of intent – hunting season - penalty.

(1) THE PURPOSE AND INTENT OF THIS SECTION IS TO LIMIT THE INHUMANE AND UNSPORTING ~~TAKING HUNTING OR KILLING~~ OF MOUNTAIN LIONS, BOBCATS, AND LYNX AND TO ~~ALLOW-PROVIDE~~ FOR A LIMITED SEASON ~~AS REFERENCED HEREIN, BUT NOT TO REQUIRE ANY SEASON AT ALL.~~ THESE PROVISIONS ARE INTENDED TO MINIMIZE NEEDLESS ORPHANING OF THESE ANIMALS’ YOUNG. THE PROVISIONS OF THIS SECTION ~~SHALL-MUST~~ BE SO CONSTRUED.

(2) DURING THE PERIOD FROM JANUARY 1 THROUGH DECEMBER 17 OF ANY CALENDAR YEAR, IT IS UNLAWFUL FOR ANY PERSON TO ~~TAKEHUNT OR KILL~~ A MOUNTAIN LION, BOBCAT, OR LYNX BY ANY MEANS, INCLUDING BUT NOT LIMITED TO, ~~BY~~ FIREARM, TRAP, BAIT, ELECTRONIC DEVICE, BOW AND ARROW, OR BY THE USE OF ONE OR MORE DOGS.

(3) IT IS UNLAWFUL FOR ANY PERSON, AT ANY TIME, ~~TO USE TRAPS, BAIT, ONE OR MORE DOGS, OR ELECTRONIC DEVICES~~ TO FOLLOW OR CHASE A MOUNTAIN LION, BOBCAT, OR LYNX OR TO FACILITATE OR ASSIST IN THE HUNTING OR KILLING OF A MOUNTAIN LION, BOBCAT, OR LYNX, ~~AND, IN SO DOING,~~ USE:

- (a) TRAPS;
- (b) BAIT;
- (c) ONE OR MORE DOGS; OR
- (d) ELECTRONIC DEVICES.

(4) THE PROVISIONS OF THIS SECTION ~~SHALL-DO~~ NOT APPLY WHEN A MOUNTAIN LION, BOBCAT, OR LYNX IS ~~TAKEN- KILLED~~ PURSUANT TO ANY OF THE EXCLUSIONS FROM THE DEFINITION OF “TROPHY HUNTING” SET FORTH IN ~~SUBSECTION~~SECTION 33-6-117(1)(c)(VI).

(5) ANY PERSON WHO VIOLATES SUBSECTION (2) ~~OR SUBSECTION (3)~~ OF THIS SECTION COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED, INCLUDING THE ASSESSMENT OF A FINE, AS PROVIDED IN SECTION 18-1.3-401, ~~C.R.S.~~ UPON SUCH CONVICTION, THE COMMISSION SHALL ASSESS TEN LICENSE SUSPENSION POINTS AND SUSPEND THE WILDLIFE LICENSE PRIVILEGES FOR ONE TO FIVE YEARS OF THE PERSON CONVICTED.

SECTION 2. In Colorado Revised Statutes, **add** 33-6-117(1)(c) and **amend** 33-6-117(1)(b) and 33-6-117(2) as follows:

33-6-117. Willful destruction of wildlife – legislative intent.

(1) ~~(a) Except as is otherwise provided in articles 1 to 6 of this title or by rule of the commission, it is unlawful for a person:~~

~~(I) To hunt or take, or to solicit another person to hunt or take, wildlife and detach or remove, with the intent to abandon the carcass or body, only the head, hide, fur, claws, teeth, antlers, horns, internal organs, or feathers or any or all of such parts;~~

~~(II) To intentionally abandon the carcass or body of taken wildlife; or~~

~~(III) To take and intentionally abandon wildlife.~~

(b) A person who violates ~~subsection (1)(a)~~ SUBSECTION(1)(a) OF THIS SECTION, with respect to:

~~(I) Big game, eagles, and endangered species, commits a class 5 felony and shall be punished as provided in section 18-1.3-401, C.R.S., and, in addition, shall be punished by a fine of not less than one thousand dollars nor more than twenty thousand dollars. For offenses committed on or after July 1, 1985, the fine shall be in an amount within the presumptive range set out in section 18-1.3-401 (1)(a)(III), C.R.S. Upon such conviction, the commission shall assess twenty license suspension points and suspend the wildlife license privileges for one year to life of the person convicted.~~

(II) All other wildlife species, EXCEPT AS PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, commits a class 2 misdemeanor and is assessed twenty license suspension points.

(c) (I) ~~NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, AND EXCEPT~~ EXCEPT AS IS OTHERWISE PROVIDED IN ARTICLES 1 TO 6 OF THIS TITLE 33, IT IS UNLAWFUL TO ENGAGE IN TROPHY HUNTING OF A MOUNTAIN LION, BOBCAT, OR LYNX.

(II) ~~—NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, AND EXCEPT~~ EXCEPT AS IS OTHERWISE PROVIDED IN ARTICLES 1 TO 6 OF THIS TITLE 33, ANY PERSON WHO KILLS A MOUNTAIN LION, ~~LYNX, OR BOBCAT, OR LYNX SHALL MUST~~, WITHIN THIRTY-SIX HOURS ~~OF~~ AFTER THE KILL, RELINQUISH ALL OF THE ANIMAL'S BODY PARTS THAT QUALIFY AS A TROPHY TO AN AUTHORIZED OFFICIAL IN A COLORADO PARKS AND WILDLIFE REGIONAL OFFICE.

(III) ~~FOR PURPOSES OF AS USED IN~~ THIS SUBSECTION (1)(c):

(A) “TROPHY” MEANS THE MOUNT, DISPLAY, OR PRESERVATION OF A MOUNTAIN LION, BOBCAT, OR LYNX, INCLUDING, BUT NOT LIMITED TO, THE SKIN OF THE HEAD, THE ENTIRE SKIN, HEAD, FUR, HIDE, EARS, LEGS, FEET, OR CLAWS, IN A LIFELIKE REPRESENTATION OR DEPICTION OF THE ANIMAL OR ITS BODY PARTS.

(B) “TROPHY HUNTING” MEANS: ~~(i) THE~~ THE KILLING OF A MOUNTAIN LION, BOBCAT, OR LYNX, AND KEEPING OR TRANSFERRING TO ANOTHER, WHETHER BY GIFT, SALE, OR IN ANY OTHER MANNER, EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(II) OF THIS SECTION, ONE OR MORE TROPHIES FROM SUCH ANIMAL; OR ~~(ii) —SOLICITING~~ SOLICITING ANOTHER PERSON TO KILL A MOUNTAIN LION, BOBCAT, OR LYNX, WITH THE INTENT TO ACQUIRE AND KEEP OR TRANSFER ONE OR MORE TROPHIES EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(II) OF THIS SECTION.

(IV) ANY PERSON WHO VIOLATES SUBSECTION (1)(c)(I) OF THIS SECTION COMMITS A CLASS 5 FELONY AND SHALL BE PUNISHED, INCLUDING THE ASSESSMENT OF A FINE, AS PROVIDED IN SECTION 18-1.3-401, C.R.S. UPON SUCH CONVICTION, THE COMMISSION SHALL ASSESS TWENTY LICENSE SUSPENSION POINTS AND SUSPEND THE WILDLIFE LICENSE PRIVILEGES FOR ONE YEAR TO LIFE OF THE PERSON CONVICTED.

(V) ANY PERSON WHO VIOLATES SUBSECTION (1)(c)(II) OF THIS SECTION COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED, INCLUDING THE ASSESSMENT OF A FINE, AS PROVIDED IN SECTION 18-1.3-401, C.R.S. UPON SUCH CONVICTION, THE COMMISSION SHALL ASSESS TEN LICENSE SUSPENSION POINTS AND SUSPEND THE WILDLIFE LICENSE PRIVILEGES FOR ONE TO FIVE YEARS OF THE PERSON CONVICTED.

(VI) “TROPHY HUNTING” DOES NOT INCLUDE:

(A) ~~ANY ACT SPECIFIED IN SUBSECTION (1)(c)(I) OF THIS SECTION~~ THE KILLING OF A MOUNTAIN LION, BOBCAT, OR LYNX 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 AS DEFINED BY THE COMMISSION BY RULE, EXCEPT THAT LETHAL MEANS MAY BE USED TO DEFEND HUMAN LIFE;

(B) ~~ANY ACT SPECIFIED IN SUBSECTION (1)(c)(I) OF THIS SECTION~~ THE KILLING OF A MOUNTAIN LION, BOBCAT, OR LYNX IF IT WAS CONDUCTED BY AN AUTHORIZED EMPLOYEE OF THE DIVISION ~~OF PARKS AND WILDLIFE~~, THE UNITED STATES DEPARTMENT OF AGRICULTURE, OR THE UNITED STATES DEPARTMENT OF THE INTERIOR, WHEN THE EMPLOYEE IS ACTING IN ~~HIS OR HER~~ THE EMPLOYEE’S OFFICIAL CAPACITY;

(C) THE ACCIDENTAL WOUNDING OR KILLING OF A MOUNTAIN LION, BOBCAT, OR LYNX, ~~OR BOBCAT~~ BY A MOTOR VEHICLE, VESSEL, OR TRAIN;

(D) THE USE OF NONLETHAL METHODS BY A PERSON AUTHORIZED TO CAPTURE A MOUNTAIN LION, BOBCAT, OR LYNX FOR PURPOSES OF BONA FIDE SCIENTIFIC RESEARCH, FOR RELOCATION PERMITTED IN ACCORDANCE WITH RULES OF THE DIVISION, OR FOR MEDICAL TREATMENT OF THE ANIMAL BEING CAPTURED AS PERMITTED BY SECTION 33-6-206(1)(a), (1)(c), OR (1)(d);

(E) ~~ANY ACT SPECIFIED IN SUBSECTION (1)(c)(I) OF THIS SECTION~~ THE KILLING OF A MOUNTAIN LION, BOBCAT, OR LYNX IF AUTHORIZED BY THE COMMISSIONER OF ~~AGRICULTURE~~ AGRICULTURE PURSUANT TO SECTION 35-40-101 TO CONTROL DEPREDATING ANIMALS;

(F) EUTHANASIA OF AN ILL OR INJURED MOUNTAIN LION, BOBCAT, OR LYNX, DONE FOR HUMANE REASONS, BY A PERSON LICENSED TO PRACTICE VETERINARY MEDICINE UNDER THE COLORADO VETERINARY PRACTICE ACT ~~VETERINARY PRACTICE ACT~~, ARTICLE 315 OF TITLE 12;

(G) ~~ANY ACT SPECIFIED IN SUBSECTION (1)(C)(I) OF THIS SECTION~~ THE KILLING OF A MOUNTAIN LION, BOBCAT, OR LYNX IF IT WAS CONDUCTED PURSUANT TO A SPECIAL LICENSE ISSUED BY THE DIVISION ~~OF PARKS AND WILDLIFE~~ UNDER SECTION 33-4-102(2)(a), 2(i), OR (13); OR

(H) ~~ANY ACT SPECIFIED IN SUBSECTION (1)(C)(I) OF THIS SECTION~~ THE KILLING OF A MOUNTAIN LION, BOBCAT, OR LYNX IF IT WAS CONDUCTED BY AN EMPLOYEE OR CONTRACTOR OF A FEDERAL, STATE, COUNTY, CITY AND COUNTY, OR MUNICIPAL DEPARTMENT OF HEALTH FOR THE PURPOSE OF PROTECTING HUMAN HEALTH OR SAFETY PURSUANT TO SECTION 33-6-205.

(2)

(a) The purpose and intent OF SUBSECTION (1)(a) of this section is to protect the wildlife of this state from wanton, ruthless, or wasteful destruction or mutilation for their heads, hides, claws, teeth, antlers, horns, internal organs, or feathers, from being taken and abandoned, or any or all of the foregoing, and the ~~PERTINENT~~ provisions of SUBSECTION (1)(a) OF this section shall be so construed.

(b) THE PURPOSE AND INTENT OF SUBSECTION (1)(c) OF THIS SECTION IS TO PREVENT THE KILLING OF MOUNTAIN LIONS, BOBCATS, OR LYNX, SIMPLY SO HUNTERS MAY ACQUIRE PARTS OF THESE ANIMALS AS SOUVENIRS OF THEIR HUNTS. THESE PROVISIONS ARE INTENDED TO ELIMINATE THE INCREASINGLY PREVALENT AND INHUMANE PRACTICES OF USING DOGS AND ELECTRONIC DEVICES TO FACILITATE TROPHY HUNTING OF MOUNTAIN LIONS, BOBCATS, OR LYNX. THE PERTINENT PROVISIONS OF THIS SECTION SHALL BE SO CONSTRUED.

SECTION 23. Effective date - applicability. This measure shall be effective on and after the date it is declared by proclamation of the governor to have been adopted by voters and shall apply to offenses committed on or after the effective date.