

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0103.01 Karen Epps

SENATE BILL 06-075

SENATE SPONSORSHIP

Hanna,

HOUSE SPONSORSHIP

Todd,

Senate Committees

Agriculture, Natural Resources & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING HUMAN BEHAVIORS RELATED TO WILDLIFE IN URBAN
102 AREAS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Punishes the offense of knowingly luring wildlife in urban areas with food or edible waste or allowing wildlife to establish housing on a person's property by a fine of \$100 for a chargeable first offense, \$500 for a second offense, and \$1,000 for a third or subsequent offense. Exempts the feeding of songbirds, acts related to agriculture, and acts allowed by wildlife commission rule.

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

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

2 **SECTION 1.** Part 1 of article 6 of title 33, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **33-6-132. Unlawfully luring wildlife or allowing establishment**
6 **of housing - definitions.** (1) UNLESS OTHERWISE PERMITTED BY
7 COMMISSION RULE, IT IS UNLAWFUL FOR ANY PERSON IN AN URBAN AREA
8 TO:

9 (a) PLACE FOOD OR EDIBLE WASTE IN THE OPEN WITH THE INTENT
10 OF LURING WILDLIFE TO SUCH FOOD OR EDIBLE WASTE; OR

11 (b) ALLOW WILDLIFE TO ESTABLISH HOUSING ON THE PERSON'S
12 PROPERTY.

13 (2) THIS SECTION SHALL NOT APPLY TO ACTS RELATED TO
14 AGRICULTURE, AS DEFINED IN SECTION 35-1-102 (1), C.R.S., AND SHALL
15 NOT APPLY TO THE CASUAL OR RECREATIONAL FEEDING OR HOUSING OF
16 SONGBIRDS.

17 (3) ANY PERSON WHO VIOLATES THIS SECTION SHALL BE GIVEN A
18 WARNING. UPON A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION,
19 SUCH PERSON IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION,
20 SHALL BE PUNISHED BY A FINE NOT TO EXCEED:

21 (a) ONE HUNDRED DOLLARS FOR A FIRST CONVICTION;

22 (b) FIVE HUNDRED DOLLARS FOR A SECOND CONVICTION; OR

23 (c) ONE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT
24 CONVICTION.

25 (4) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
26 OTHERWISE REQUIRES:

1 (a) "FOOD OR EDIBLE WASTE" SHALL NOT INCLUDE LIVE ANIMALS
2 OR FOOD THAT IS GROWN IN THE OPEN PRIOR TO SUCH FOOD BEING
3 HARVESTED.

4 (b) "HOUSING" MEANS A DEN, NEST, OR OTHER STRUCTURE BUILT
5 BY WILDLIFE.

6 (c) "SONGBIRD" MEANS ANY SMALL, ARBOREAL BIRD THAT UTTERS
7 A MELODIOUS SONG OR CALL OR WHOSE PRESENCE IS COMMONLY
8 WELCOMED IN RESIDENTIAL AREAS.

9 (d) "URBAN AREA" MEANS ANY LAND LOCATED WITHIN ANY
10 INCORPORATED CITY OR MUNICIPALITY. THE TERM ALSO MEANS ANY
11 LAND LOCATED IN THE UNINCORPORATED AREAS OF ANY COUNTY THAT IS
12 ZONED AS RESIDENTIAL LAND AND FOR WHICH A FINAL PLAT FOR
13 SUBDIVIDED LAND HAS BEEN APPROVED BY THE BOARD OF COUNTY
14 COMMISSIONERS PURSUANT TO SECTION 30-28-110 (3) AND (4), C.R.S.,
15 AND THAT IS ALSO INCLUDED IN A LOCAL GOVERNMENTAL ENTITY THAT
16 HAS A STATUTORY AUTHORIZATION TO PROVIDE FOR PARKS, TRAILS, OR
17 OPEN SPACES.

18 (e) "WILDLIFE" MEANS POTENTIALLY DANGEROUS AND NOT
19 DOMESTICATED ANIMALS, INCLUDING, WITHOUT LIMITATION, COYOTES,
20 FERAL CATS, FOXES, RACCOONS, SKUNKS, AND SQUIRRELS.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.