

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0394.01 Jery Payne x2157

**HOUSE BILL 26-1342**

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**HOUSE SPONSORSHIP**

**Stewart K. and Lukens,**

**SENATE SPONSORSHIP**

**Marchman,**

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**House Committees**

Agriculture, Water & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING NEGLIGENT BEHAVIOR THAT LURES BEARS.**

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**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>.)*

Under current law, a person is guilty of a crime for placing food or edible waste in the open with the intention of luring a wild bear. The law requires a person to be given a warning for the first violation.

The bill:

- Lowers the mental state requirement from intention to criminal negligence;
- Repeals the requirement that a first offense be given a warning; and

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.

- Raises the fine for a third or subsequent offense from \$2,000 to \$5,000.

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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 black bear, whose scientific name is *Ursus americanus*, is  
5 a species native to Colorado;

6 (b) Black bears are culturally and ecologically significant to the  
7 state;

8 (c) There are an estimated 17,000 to 20,000 black bears in  
9 Colorado;

10 (d) As the state's population, development, and tourism continues  
11 to grow, constraints on wild habitat and food sources, including natural  
12 food failures driven by drought and other climatic conditions, are likely  
13 to increase, resulting in more human-black bear interactions and conflicts;

14 (e) In 2024, the division of parks and wildlife received over 5,000  
15 reports of sightings and conflicts with black bears, which is 14.8% higher  
16 than the previous 5 years;

17 (f) In 2024, the division of parks and wildlife spent nearly 6,000  
18 hours of staff time responding to human-black bear conflicts and spent  
19 nearly \$800,000 in supplies, grants, and salaries related to human-black  
20 bear conflicts;

21 (g) The majority of incident reports related to black bears involve  
22 black bears attempting to access human food sources, with over 50% of  
23 reported sightings and conflicts in 2024 linked to trash and food waste;

24 (h) Human-black bear conflicts pose safety and health issues for  
25 both humans and black bears; and

1 (i) In 2024, 68 black bears needed to be relocated and 98 were  
2 euthanized because of incidents with humans, many of which were the  
3 result of human negligence.

4 (2) In order to avoid unsafe situations between black bears and  
5 humans, it is imperative, therefore, that Coloradans and visitors to the  
6 state properly manage attractants that might lure black bears into  
7 situations of human conflict.

8 **SECTION 2.** In Colorado Revised Statutes, 33-6-131, **amend** (1),  
9 (2), (3) introductory portion, and (3)(c) as follows:

10 **33-6-131. Luring bears - penalty - definition.**

11 (1) ~~Unless otherwise permitted by commission rule, it is unlawful~~  
12 ~~for any person to place~~ A PERSON THAT WITH CRIMINAL NEGLIGENCE  
13 ~~PLACES~~ food or edible waste in the open ~~with the intent of luring a wild~~  
14 ~~bear to such food or edible waste~~ IN CIRCUMSTANCES WHERE THERE IS A  
15 SUBSTANTIAL RISK OF LURING A WILD BEAR TO THE FOOD OR EDIBLE  
16 WASTE COMMITS A MISDEMEANOR.

17 (2) (a) This section ~~shall~~ DOES not apply to acts related to  
18 agriculture, as defined in section 35-1-102 (1). ~~C.R.S.~~

19 (b) ~~For the purposes of~~ AS USED IN this section, "food or edible  
20 waste" ~~shall~~ DOES not include live animals or food that is grown in the  
21 open prior to ~~such~~ THE food being harvested.

22 (3) ~~Any~~ A person ~~who~~ THAT violates SUBSECTION (1) OF this  
23 section, ~~shall be given a warning. Upon a second or subsequent violation~~  
24 ~~of this section, the person is guilty of a misdemeanor and,~~ upon  
25 conviction, shall be punished by a fine not to exceed:

26 (c) ~~Two~~ FIVE thousand dollars for a third or subsequent offense.

27 **SECTION 3. Act subject to petition - effective date -**

1     **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
2     the expiration of the ninety-day period after final adjournment of the  
3     general assembly (August 12, 2026, if adjournment sine die is on May 13,  
4     2026); except that, if a referendum petition is filed pursuant to section 1  
5     (3) of article V of the state constitution against this act or an item, section,  
6     or part of this act within such period, then the act, item, section, or part  
7     will not take effect unless approved by the people at the general election  
8     to be held in November 2026 and, in such case, will take effect on the  
9     date of the official declaration of the vote thereon by the governor.

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