



# Fiscal Note

## Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

### SB 25-168: PREVENTION OF WILDLIFE TRAFFICKING

**Prime Sponsors:**

Sen. Bright; Roberts  
Rep. Armagost; Espenozza

**Fiscal Analyst:**

Alexa Kelly, 303-866-3469  
alexakelly@coleg.gov

**Published for:** Sen. Ag. & Natural Resources

**Drafting number:** LLS 25-0752

**Version:** Initial Fiscal Note

**Date:** March 3, 2025

**Fiscal note status:** This fiscal note reflects the introduced bill.

### Summary Information

**Overview.** The bill establishes new criminal penalties for wildlife trafficking; adds species and higher fines to existing wildlife possession, sale, and willful destruction crimes; and requires Colorado Parks and Wildlife to investigate and survey commonly trafficked wildlife to collect data to inform its conservation, management, and enforcement efforts.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- State Revenue
- State Expenditures
- Local Government

**Appropriations.** For FY 2025-26, the bill requires an appropriation of \$1,495,030 to the Department of Natural Resources.

**Table 1  
State Fiscal Impacts**

Type of Impact <sup>1</sup>	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$1,669,487	\$1,828,925
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	8.2 FTE	9.0 FTE

<sup>1</sup> Fund sources for these impacts are shown in the table below.

**Table 1A  
State Expenditures**

<b>Fund Source</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
General Fund	\$0	\$24,765
Cash Funds	\$1,495,030	\$1,612,672
Federal Funds	\$0	\$0
Centrally Appropriated	\$174,457	\$191,488
<b>Total Expenditures</b>	<b>\$1,669,487</b>	<b>\$1,828,925</b>
<b>Total FTE</b>	<b>8.2 FTE</b>	<b>9.0 FTE</b>

## Summary of Legislation

---

The bill establishes penalties for wildlife trafficking making it unlawful to knowingly possess, sell, purchase, transport, import, or export of wildlife for compensation. The penalty for a violation ranges from a class 1 misdemeanor to a class 4 felony depending on the market value and if the wildlife is classified as endangered or threatened under state or federal law. Colorado Parks and Wildlife (CPW) can also suspend the wildlife license privileges of convicted persons for five years to life.

The bill also adds species listed in the federal Endangered Species Act and in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to be covered by statutes governing the illegal possession, sale, and willful destruction of wildlife.

Additionally, the bill requires CPW to conduct investigations and surveys of commonly trafficked wildlife to determine appropriate conservation, management, and law enforcement measures.

## Assumptions

---

The fiscal note assumes that the bill's intent is to conduct investigations and surveys of commonly trafficked wildlife to determine appropriate conservation, management, and law enforcement measures and to apply those determinations to increased conservation, management, and enforcement efforts.

## Comparable Crime Analysis

---

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

## **Prior Conviction Data**

This bill creates the new offense of illegal trafficking of wildlife, which is a class 5 felony if wildlife involved is valued between \$1,000 to \$10,000; a class 4 felony if the wildlife involved is valued at greater than \$10,000, endangered or threatened under state or federal law, or listed in Appendix I of CITES; or class 1 misdemeanor in all other instances.

To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of illegal sale of wildlife, which is either a class 2 misdemeanor or a class 5 felony depending on the classification of the wildlife involved, as a comparable crime. From FY 2021-22 to FY 2023-24, two have been convicted and sentenced for this existing offense. Of the persons convicted, one was male and one did not have a gender identified. Demographically, one was White and one was classified as "Other."

Additionally, the fiscal note analyzed the existing offense of illegal possession of wildlife, which is an unclassified misdemeanor. From FY 2021-22 to FY 2023-24, 199 have been convicted and sentenced for this existing offense. Of the persons convicted, 182 were male, 14 were female, and three did not have a gender identified. Demographically, 108 were White, one was Black/African American, five were Hispanic, 60 were classified as "Other," and 25 did not have a race identified.

## **Offender Assumptions**

This analysis assumes that there will be at least one offender per year convicted of a class 5 felony and sentenced to the Department of Corrections (DOC) under the bill. The average length of stay for a class 5 felony is 16 months with an average parole length of stay of 18 months once the offender is released from prison. It assumes the first impact will not occur until FY 2026-27, to allow time for a case to be adjudicated. Visit [leg.colorado.gov/fiscalnotes](https://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Revenue**

---

### **Criminal Fines and Court Fees**

By creating two new felony offenses and one new misdemeanor offense, the bill may increase state revenue from criminal fines and court fees beginning in FY 2025-26, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. For the penalties included in the bill, the fine ranges are:

- \$500 to \$1,000 for a class 1 misdemeanor;
- \$1,000 to \$100,000 for a class 5 felony; and
- \$2,000 to \$500,000 for a class 4 felony.

The bill also creates higher misdemeanor fine penalties for illegal possession of wildlife species listed in Appendix I of CITES, ranging from \$1,000 to \$100,000.

Additionally, court fees may be imposed on a case by case basis for a variety of court related costs, such as probation supervision, drug surcharges, or late fees. Because the courts have the discretion of incarceration, imposing a fine, or both, a precise state revenue impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

### Licensing Fees

As a state enterprise, CPW generates over 90 percent of its annual funding from sources other than taxes or the General Fund. The CPW relies primarily on license sales, state park fees, and registration fees to support operations. The CPW currently has adequate funds in the Wildlife Cash Fund to cover the costs identified in the State Expenditures section; therefore, no change in fee revenue is anticipated as a result of the bill.

### State Expenditures

---

The bill increases state expenditures in the Department of Natural Resources by approximately \$1.7 million in FY 2025-26, and \$1.8 million in FY 2026-27 and in ongoing years. CPW costs are paid from the Wildlife Cash Fund. The bill also increases costs in the Department of Corrections by \$25,000 in FY 2026-27, up to \$46,000 per year in future fiscal years. DOC costs are paid from the General Fund. Finally, the bill minimally affects workload in the Judicial Department. These impacts are summarized in Table 2 and discussed below.

**Table 2**  
**State Expenditures**  
**All Departments**

<b>Department</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Department of Natural Resources	\$1,669,487	\$1,804,160
Department of Corrections	\$0	\$24,765
<b>Total Costs</b>	<b>\$1,669,487</b>	<b>\$1,828,925</b>
<b>Total FTE</b>	<b>8.2 FTE</b>	<b>9.0 FTE</b>

### Department of Natural Resources

CPW does not currently have a dedicated wildlife trafficking investigation unit. Based on the Assumptions section, the fiscal note includes resources to establish this unit in order to both study and enforce wildlife trafficking crimes.

### Staff

CPW requires eight investigators and one reptile coordinator, totaling 9.0 FTE. First-year costs are prorated for the bill's effective date. Standard operating and capital outlay costs are included for staff.

### Investigator Operating Costs

In addition to standard costs, staff require forensic software tools, criminal intelligence software, covert operations funds, equipment, and a variety of other supplies, as well as travel costs, estimated at \$377,000 per year.

### Vehicle Lease and Maintenance Costs

Each new staff require vehicles to perform job duties, since wildlife trafficking takes place statewide and occasionally beyond state lines. These vehicles are specifically outfitted to the operator depending on staff duties. On average, the annual costs for vehicle lease and operating costs total up to approximately \$13,000 for FY 2025-26 and \$24,000 in future years.

### Data Collection Projects

To increase capacity to address threats to native reptile populations, which are among the most commonly trafficked wildlife, CPW requires temporary staff to support the reptile coordinator in conducting data collection projects and investigations to address the lack of data, identify at-risk populations, and implement measures to address identified issues. Temporary staff can support two projects per year, at an estimated \$75,000 per project, totaling \$150,000 per year beginning in FY 2025-26.

### Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown below.

**Table 2A  
 State Expenditures  
 Department of Natural Resources**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Personal Services	\$780,522	\$856,784
Operating Expenses	\$10,496	\$11,520
Capital Outlay Costs	\$60,030	\$0
Investigator Operating Costs	\$377,000	\$377,000
Vehicle Lease and Maintenance Costs	\$116,982	\$217,368
Data Collection Projects	\$150,000	\$150,000
Centrally Appropriated Costs	\$174,457	\$191,488
<b>Total Costs</b>	<b>\$1,669,487</b>	<b>\$1,804,160</b>
<b>Total FTE</b>	<b>8.2 FTE</b>	<b>9.0 FTE</b>

**Department of Corrections**

Section 2-2-701, C.R.S., requires Legislative Council Staff to provide information to the General Assembly on long-term costs for prison capital construction, operations, and parole for any bill that potentially increases periods of imprisonment in the Department of Corrections. These impacts are described below.

**DOC Prison and Parole Costs (Five-year Fiscal Impact)**

Based on the assumptions provided in the Comparable Crime Analysis section, this bill increases prison operating costs for the DOC by a total of \$154,788 over the five-year period beginning in FY 2025-26. The fiscal note assumes no prison operating impacts will occur in the first year due to the amount of time required for criminal filing, trial, disposition and sentencing of each case. Once an offender is released from prison, they are assigned to parole. The parole impact is assumed to first occur in FY 2027-28. Table 2B shows the estimated cost of the bill over the next five fiscal years.

**Table 2B  
 State Expenditures  
 Prison and Parole Operating Costs**

<b>Fiscal Year</b>	<b>Prison ADP Impact<sup>1</sup></b>	<b>Prison Cost</b>	<b>Parole ADP Impact<sup>1</sup></b>	<b>Parole Cost</b>	<b>Total Cost</b>
FY 2025-26	0.00	\$0	0.00	\$0	\$0
FY 2026-27	1.00	\$24,765	0.00	\$0	\$24,765
FY 2027-28	1.34	\$33,082	0.66	\$5,571	\$38,653
FY 2028-29	1.34	\$33,082	1.50	\$12,603	\$45,685
FY 2029-30	1.34	\$33,082	1.50	\$12,603	\$45,685
<b>Total Five-Year Cost</b>		<b>\$124,012</b>		<b>\$30,776</b>	<b>\$154,788</b>

<sup>1</sup> ADP impact signifies the bill's effect on average daily populations in DOC.

**DOC Capital Construction Costs**

In addition to the five-year operating and parole impacts discussed above, Section 2-2-703, C.R.S., requires that the General Assembly consider increased capital construction costs for the DOC to house additional inmates. Based on the average per bed construction costs of previous prison facilities, capital construction costs of \$178,471 are required to increase prison bed space in line with the estimated increase in prison population under this bill. If the General Assembly determines that additional prison bed space is needed, this bill should include a transfer of General Fund to the Capital Construction Fund, to be reappropriated to the Corrections Expansion Reserve Fund. Money in the Corrections Expansion Reserve Fund is available for future DOC construction projects, which would be identified and funded through the annual budget process based on the state's overall prison needs.

## **Judicial Department**

This bill will increase workload and costs for the trial courts in the Judicial Department to process additional criminal case filings. To the extent that offenders are sentenced to probation, workload and costs in the Division of Probation will increase. Workload and costs may increase in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Counsel. Overall, it is assumed these impacts can be accomplished within existing appropriations. Should a change in funding be required for any agency or division with the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

## **Local Government**

---

Beginning in FY 2025-26, this bill is expected to increase workload and costs for district attorneys and in county courts to prosecute a new cases. The exact impact will vary depending on the number of offenses committed within its jurisdiction.

## **Effective Date**

---

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## **State Appropriations**

---

For FY 2025-26, the bill requires an appropriation of \$1,495,030 from the Wildlife Cash Fund to the Department of Natural Resources, and 8.2 FTE.

## **State and Local Government Contacts**

---

Corrections	Law
District Attorneys	Natural Resources
Information Technology	Public Safety
Judicial	Sheriffs

---

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).