

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 7, 2019

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB19-1092 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and
2 substitute:
- 3 "SECTION 1. In Colorado Revised Statutes, 18-9-202, **amend**
4 (2)(a.5)(II), (2)(a.5)(III), and (2)(a.5)(IV); and **add** (2)(a.5)(V.5) as
5 follows:
- 6 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
7 **- service animals.** (2) (a.5) (II) In addition to any other sentence imposed
8 for a violation of this section, the court may order an offender to complete
9 an anger management treatment program, A MENTAL HEALTH TREATMENT
10 PROGRAM, or any other appropriate treatment program DESIGNED TO
11 ADDRESS THE UNDERLYING CAUSATIVE FACTORS FOR THE VIOLATION.
- 12 (III) The court shall order an evaluation to be conducted prior to
13 sentencing to assist the court in determining an appropriate sentence. IF
14 THE VIOLATION IS A FELONY OFFENSE IN VIOLATION OF SUBSECTION (1.5)
15 OF THIS SECTION, A FELONY OFFENSE IN VIOLATION OF SUBSECTION
16 (2)(b)(II) OF THIS SECTION, OR ANY OTHER VIOLATION OF THIS SECTION
17 DEMONSTRATING KNOWING TORTURE OR TORMENT OF AN ANIMAL THAT
18 NEEDLESSLY INJURED, MUTILATED, OR KILLED THE ANIMAL, THE COURT
19 SHALL REQUIRE A COMPREHENSIVE EVALUATION TO HELP DETERMINE THE
20 CAUSATIVE FACTORS. The person ordered to undergo an evaluation shall
21 be required to pay the cost of the evaluation, unless the person qualifies
22 for a public defender, then the cost will be paid by the judicial district. If
23 the evaluation results in a recommendation of treatment and if the court
24 so finds, the person ~~shall~~ MUST be ordered to complete, AS A CONDITION

1 OF ANY SENTENCE TO PROBATION OR A DEFERRED JUDGMENT OR
2 SENTENCE, an anger management treatment program, A MENTAL HEALTH
3 TREATMENT PROGRAM, or any other APPROPRIATE treatment program ~~that~~
4 ~~the court may deem appropriate~~ DESIGNED TO ADDRESS THE UNDERLYING
5 CAUSATIVE FACTORS FOR THE VIOLATION.

6 (IV) Upon successful completion of an anger management
7 treatment program, A MENTAL HEALTH TREATMENT PROGRAM, or any
8 other APPROPRIATE treatment program, ~~deemed appropriate by the court,~~
9 the court may suspend any fine imposed; except for a five-hundred-dollar
10 mandatory minimum fine which shall be imposed at the time of
11 sentencing.

12 (V.5) IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR A
13 FELONY CONVICTION PURSUANT TO THIS SECTION, THE COURT SHALL
14 ENTER AN ORDER PROHIBITING THE DEFENDANT FROM OWNING,
15 POSSESSING, OR CARING FOR A PET ANIMAL AS DEFINED IN SECTION
16 35-80-102 (10) AS A CONDITION OF THE SENTENCE FOR A PERIOD OF THREE
17 TO FIVE YEARS, UNLESS THE DEFENDANT'S TREATMENT PROVIDER MAKES
18 A SPECIFIC RECOMMENDATION NOT TO IMPOSE THE BAN AND THE COURT
19 AGREES WITH THE RECOMMENDATION.

20 **SECTION 2.** In Colorado Revised Statutes, 19-2-918.5, **amend**
21 (1), (2), and (3); and **add** (3.5) as follows:

22 **19-2-918.5. Sentencing - animal cruelty - anger management**
23 **treatment.** (1) In addition to any sentence imposed pursuant to this
24 section, any juvenile who has been adjudicated a juvenile delinquent for
25 the commission of cruelty to animals, as described in section 18-9-202,
26 ~~(1)(a), C.R.S.;~~ in which the ~~underlining~~ UNDERLYING factual basis of
27 which has been found by the court to include the knowing ~~or intentional~~
28 torture or torment of an animal ~~which~~ THAT needlessly ~~injures, mutilates,~~
29 ~~or kills~~ INJURED, MUTILATED, OR KILLED an animal, may be ordered to
30 complete an anger management treatment program, A MENTAL HEALTH
31 TREATMENT PROGRAM, or any other APPROPRIATE treatment program
32 ~~deemed appropriate by the court~~ DESIGNED TO ADDRESS THE UNDERLYING
33 CAUSATIVE FACTORS FOR THE VIOLATION.

34 (2) The court may order an evaluation to be conducted prior to
35 disposition if an evaluation would assist the court in determining an
36 appropriate disposition. The parents or legal guardian of the juvenile
37 ordered to undergo an evaluation shall be required to pay the cost of the
38 evaluation. If the evaluation results in a recommendation of treatment and
39 if the court so finds, the juvenile ~~shall~~ MUST be ordered to complete an
40 anger management treatment program, A MENTAL HEALTH TREATMENT
41 PROGRAM, or any other APPROPRIATE treatment program ~~deemed~~

1 ~~appropriate by the court~~ DESIGNED TO ADDRESS THE UNDERLYING
2 CAUSATIVE FACTORS FOR THE VIOLATION.

3 (3) The disposition for any juvenile who has been adjudicated a
4 juvenile delinquent a second or subsequent time, the underlying factual
5 basis of which has been found by the court to include an act of cruelty to
6 animals, as described in section 18-9-202, ~~(1)(a), C.R.S., shall~~ MUST
7 include the completion of an anger management treatment program, A
8 MENTAL HEALTH TREATMENT PROGRAM, or any other APPROPRIATE
9 treatment program ~~deemed appropriate by the court~~ DESIGNED TO
10 ADDRESS THE UNDERLYING CAUSATIVE FACTORS FOR THE VIOLATION.

11 (3.5) IN ADDITION TO ANY SENTENCE IMPOSED PURSUANT TO THIS
12 SECTION FOR ANY JUVENILE WHO HAS BEEN ADJUDICATED A JUVENILE
13 DELINQUENT FOR THE COMMISSION OF CRUELTY TO ANIMALS, AS
14 DESCRIBED IN SECTION 18-9-202, THE COURT MAY ENTER AN ORDER
15 PROHIBITING THE JUVENILE OR OTHER PARTY FROM OWNING, POSSESSING,
16 OR CARING FOR A PET ANIMAL AS DEFINED IN SECTION 35-80-102 (10),
17 UNLESS THE DEFENDANT'S TREATMENT PROVIDER MAKES A SPECIFIC
18 RECOMMENDATION NOT TO IMPOSE THE BAN AND THE COURT AGREES WITH
19 THE RECOMMENDATION.

20 **SECTION 3. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly (August 2, 2019, if adjournment sine die is on May 3,
24 2019); except that, if a referendum petition is filed pursuant to section 1
25 (3) of article V of the state constitution against this act or an item, section,
26 or part of this act within such period, then the act, item, section, or part
27 will not take effect unless approved by the people at the general election
28 to be held in November 2020 and, in such case, will take effect on the
29 date of the official declaration of the vote thereon by the governor.

30 (2) This act applies to offenses committed on or after the
31 applicable effective date of this act."

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