

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0824.01 Michael Dohr x4347

HOUSE BILL 19-1158

HOUSE SPONSORSHIP

Lewis, Williams D., Pelton, Sandridge, Beckman, Larson

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ENFORCEMENT OF THE UNLAWFUL OWNERSHIP OF A**
102 **DANGEROUS DOG STATUTE.**

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>.)

The bill requires a county sheriff's office to investigate an alleged violation of the unlawful ownership of a dangerous dog crime or enforce the provisions of that statute. If a victim of that crime believes the county sheriff's office is not investigating the crime or enforcing the statute, the victim can file an affidavit with a judge having jurisdiction over the alleged crime. The judge then must require the county sheriff to appear

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

to explain the refusal. If the judge finds that the county sheriff's refusal was arbitrary or capricious and without reasonable excuse, the judge shall order:

- ! The county sheriff's office to investigate the alleged offense or enforce the law; or
- ! The district attorney's office with jurisdiction over the crime to investigate the alleged offense or enforce the law.

If a county sheriff's office refuses to comply with an order to investigate or enforce the law, the court shall order the county sheriff to reimburse the county for all general fund appropriations received in the last fiscal year.

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

SECTION 1. In Colorado Revised Statutes, 18-9-204.5, **add** (7) as follows:

18-9-204.5. Unlawful ownership of dangerous dog - legislative declaration - definitions. (7) (a) EACH COUNTY SHERIFF'S OFFICE SHALL INVESTIGATE AN ALLEGED VIOLATION OF THIS SECTION AND ENFORCE THE PROVISIONS OF THIS SECTION.

(b) IF A COUNTY SHERIFF'S OFFICE FAILS TO INVESTIGATE AN ALLEGED VIOLATION OF THIS SECTION OR ENFORCE THE PROVISIONS OF THIS SECTION, THE ALLEGED VICTIM MAY FILE AN AFFIDAVIT WITH A JUDGE OF A COURT HAVING JURISDICTION OF THE CASE ALLEGING A VIOLATION OF THIS SECTION AND THE UNJUSTIFIED REFUSAL OF THE COUNTY SHERIFF'S OFFICE TO INVESTIGATE OR ENFORCE THE PROVISIONS OF THIS SECTION. THE JUDGE SHALL REQUIRE THE COUNTY SHERIFF TO APPEAR BEFORE THE JUDGE AND EXPLAIN THE REFUSAL. IF, AFTER THAT PROCEEDING, BASED ON THE COMPETENT EVIDENCE IN THE AFFIDAVIT, THE EXPLANATION OF THE COUNTY SHERIFF, AND ANY ARGUMENT OF THE PARTIES, THE JUDGE FINDS THAT THE REFUSAL OF THE COUNTY SHERIFF'S OFFICE TO INVESTIGATE AN ALLEGED VIOLATION OF THIS SECTION OR ENFORCE THE PROVISIONS OF

1 THIS SECTION WAS ARBITRARY OR CAPRICIOUS AND WITHOUT REASONABLE
2 EXCUSE, THE JUDGE SHALL ORDER:

3 (I) THE COUNTY SHERIFF'S OFFICE TO INVESTIGATE THE ALLEGED
4 VIOLATION OF THIS SECTION OR ENFORCE THE PROVISIONS OF THIS
5 SECTION; OR

6 (II) THE DISTRICT ATTORNEY'S OFFICE HAVING JURISDICTION OVER
7 THE ALLEGED VIOLATION TO INVESTIGATE THE ALLEGED OFFENSE OR
8 ENFORCE THE PROVISIONS OF THIS SECTION.

9 (c) IF A COUNTY SHERIFF'S OFFICE REFUSES TO COMPLY WITH AN
10 ORDER ISSUED PURSUANT TO SUBSECTION (7)(b)(I) OF THIS SECTION, THE
11 COURT SHALL ORDER THE COUNTY SHERIFF'S OFFICE TO REIMBURSE THE
12 COUNTY WHERE THE ALLEGED VIOLATION OCCURRED FOR ALL GENERAL
13 FUND APPROPRIATIONS THE SHERIFF'S OFFICE RECEIVED IN THE LAST
14 FISCAL YEAR.

15 **SECTION 2. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
17 the expiration of the ninety-day period after final adjournment of the
18 general assembly (August 2, 2019, if adjournment sine die is on May 3,
19 2019); except that, if a referendum petition is filed pursuant to section 1
20 (3) of article V of the state constitution against this act or an item, section,
21 or part of this act within such period, then the act, item, section, or part
22 will not take effect unless approved by the people at the general election
23 to be held in November 2020 and, in such case, will take effect on the
24 date of the official declaration of the vote thereon by the governor.

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