

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

INTRODUCED

LLS NO. 23-0958.01 Jane Ritter x4342

HOUSE BILL 23-1286

HOUSE SPONSORSHIP

Armagost and Duran,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO PENALTIES FOR THE OFFENSE OF CRUELTY**
102 **TO ANIMALS FOR WORKING ANIMALS THAT ARE USED IN**
103 **CONNECTION WITH GOVERNMENTAL ENTITIES.**

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 increases penalties and fines for cruelty and aggravated cruelty to service animals, certified police working dogs, and police working horses.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-202, **amend**
3 (1.5)(c), (2)(a), (2)(a.5)(V), and (2)(d); and **repeal** (2)(c) as follows:

4 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
5 **- service animals - short title.** (1.5) (c) (I) A person commits cruelty to
6 a service animal, ~~or a certified police working dog, or police working~~
7 ~~horse if he or she~~ THE PERSON violates the provisions of subsection (1) of
8 this section with respect to a service animal, certified police working dog,
9 or police working horse, as those terms are defined in section 18-9-201
10 (2.3), (2.4), and (4.7), whether the service animal, certified police
11 working dog, or police working horse is on duty or not on duty.

12 (II) A PERSON COMMITS AGGRAVATED CRUELTY TO A SERVICE
13 ANIMAL, CERTIFIED WORKING DOG, OR POLICE WORKING HORSE IF THE
14 PERSON RECKLESSLY, KNOWINGLY, OR WITH CRIMINAL NEGLIGENCE
15 TORTURES, NEEDLESSLY MUTILATES, OR NEEDLESSLY KILLS THE SERVICE
16 ANIMAL, CERTIFIED POLICE WORKING DOG, OR POLICE WORKING HORSE,
17 WHETHER THE SERVICE ANIMAL, CERTIFIED POLICE WORKING DOG, OR
18 POLICE WORKING HORSE IS ON DUTY OR NOT ON DUTY.

19 (2) (a) (I) (A) Except as otherwise provided in subsection (2)(b)
20 of this section, ~~cruelty to animals or cruelty to a service animal or~~
21 ~~certified police working dog or police working horse pursuant to~~
22 ~~subsection (1.5)(c)~~ SUBSECTION (1) of this section, is a class 1
23 misdemeanor.

24 (B) AGGRAVATED CRUELTY TO ANIMALS IS A CLASS 6 FELONY;
25 EXCEPT THAT A SECOND OR SUBSEQUENT CONVICTION FOR THE OFFENSE
26 OF AGGRAVATED CRUELTY TO ANIMALS IS A CLASS 5 FELONY. A PLEA OF
27 NOLO CONTENDERE ACCEPTED BY THE COURT IS CONSIDERED A

1 CONVICTION FOR PURPOSES OF THIS SUBSECTION (2).

2 (II) (A) CRUELTY TO A SERVICE ANIMAL, CERTIFIED POLICE
3 WORKING DOG, OR POLICE WORKING HORSE PURSUANT TO SUBSECTION
4 (1.5)(c)(I) OF THIS SECTION IS A CLASS 6 FELONY; EXCEPT THAT A SECOND
5 OR SUBSEQUENT CONVICTION FOR THE OFFENSE OF CRUELTY TO A SERVICE
6 ANIMAL, CERTIFIED POLICE WORKING DOG, OR POLICE WORKING HORSE IS
7 A CLASS 5 FELONY.

8 (B) AGGRAVATED CRUELTY TO A SERVICE ANIMAL, CERTIFIED
9 POLICE WORKING DOG, OR POLICE WORKING HORSE PURSUANT TO
10 SUBSECTION (1.5)(c)(II) OF THIS SECTION IS A CLASS 5 FELONY; EXCEPT
11 THAT A SECOND OR SUBSEQUENT CONVICTION FOR THE OFFENSE OF
12 AGGRAVATED CRUELTY TO A SERVICE ANIMAL, CERTIFIED POLICE
13 WORKING DOG, OR POLICE WORKING HORSE IS A CLASS 4 FELONY. A PLEA
14 OF NOLO CONTENDERE ACCEPTED BY THE COURT IS CONSIDERED A
15 CONVICTION FOR PURPOSES OF THIS SUBSECTION (2).

16 (a.5) (V) (A) In addition to any other sentence imposed upon a
17 person for a violation of any criminal law under this title 18, any person
18 convicted of a second or subsequent conviction for any crime, the
19 underlying factual basis of which has been found by the court to include
20 an act of cruelty to animals ~~or cruelty to a service animal, or a certified~~
21 ~~police working dog, or police working horse pursuant to subsection~~
22 ~~(1.5)(c) of this section,~~ PURSUANT TO SUBSECTION (1) OF THIS SECTION OR
23 AGGRAVATED CRUELTY TO ANIMALS PURSUANT TO SUBSECTION (1.5)(b)
24 OF THIS SECTION is required to pay a mandatory minimum fine of one
25 thousand dollars and is required to complete an anger management
26 treatment program or any other appropriate treatment program.

27 (B) IN ADDITION TO ANY OTHER SENTENCE IMPOSED UPON A

1 PERSON FOR A VIOLATION OF ANY CRIMINAL LAW UNDER THIS TITLE 18,
2 ANY PERSON CONVICTED OF A SECOND OR SUBSEQUENT CONVICTION FOR
3 ANY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND
4 BY THE COURT TO INCLUDE CRUELTY TO A SERVICE ANIMAL, CERTIFIED
5 POLICE WORKING DOG, OR POLICE WORKING HORSE PURSUANT TO
6 SUBSECTION (1.5)(c)(I) OF THIS SECTION OR AGGRAVATED CRUELTY TO A
7 SERVICE ANIMAL, CERTIFIED POLICE WORKING DOG, OR POLICE WORKING
8 HORSE PURSUANT TO SUBSECTION (1.5)(c)(II) OF THIS SECTION, IS
9 REQUIRED TO PAY A MANDATORY MINIMUM FINE OF TWO THOUSAND
10 DOLLARS AND IS REQUIRED TO COMPLETE AN ANGER MANAGEMENT
11 TREATMENT PROGRAM OR ANY OTHER APPROPRIATE TREATMENT
12 PROGRAM.

13 ~~(c) Aggravated cruelty to animals is a class 6 felony; except that~~
14 ~~a second or subsequent conviction for the offense of aggravated cruelty~~
15 ~~to animals is a class 5 felony. A plea of nolo contendere accepted by the~~
16 ~~court shall be considered a conviction for purposes of this section.~~

17 ~~(d) (I) If a person is convicted of cruelty to a service animal~~
18 ~~pursuant to paragraph (c) of subsection (1.5) of this section, the court~~
19 ~~shall order him or her to make restitution to the agency or individual~~
20 ~~owning the service animal for any veterinary bills and replacement costs~~
21 ~~of the service animal if it is disabled or killed as a result of the cruelty to~~
22 ~~animals incident.~~

23 (II) If a person is convicted of cruelty OR AGGRAVATED CRUELTY
24 to a SERVICE ANIMAL, certified police working dog, or police working
25 horse pursuant to subsection (1.5)(c) of this section, the court shall order
26 ~~him or her~~ THE PERSON to make restitution to the agency or individual
27 owning the SERVICE ANIMAL, certified police working dog, or police

1 working horse for all expenses, including any immediate and ongoing
2 veterinary expenses related to the incident, and replacement costs for the
3 SERVICE ANIMAL, certified police working dog, or police working horse
4 if it is permanently disabled or killed as a result of the cruelty ~~to animals~~
5 OR AGGRAVATED CRUELTY incident. If the court finds that the person who
6 is convicted of cruelty OR AGGRAVATED CRUELTY to a SERVICE ANIMAL,
7 certified police working dog, or police working horse pursuant to
8 subsection (1.5)(c) of this section did so with malicious intent, the person
9 shall additionally make restitution to the agency or individual owning the
10 SERVICE ANIMAL, certified police working dog, or police working horse
11 for all training and certification costs related to the SERVICE ANIMAL,
12 certified police working dog, or police working horse.

13 **SECTION 2. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2024 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.