

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

INTRODUCED

LLS NO. 24-0213.01 Jane Ritter x4342

HOUSE BILL 24-1074

HOUSE SPONSORSHIP

Armagost and Duran,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING SPECIFICATIONS FOR THE OFFENSE OF AGGRAVATED**
102 **CRUELTY TO A LAW ENFORCEMENT ANIMAL.**

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, aggravated cruelty to animals is a class 4 felony. The bill specifies that a person commits the offense of aggravated cruelty to animals if the person knowingly or recklessly kills or causes serious physical harm resulting in the death of a law enforcement animal or causes serious physical harm to a degree that the law enforcement animal must be decommissioned from active duty for at least 3 months.

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, 18-9-201, **add** (2.8)
3 as follows:

4 **18-9-201. Definitions.** As used in this part 2, unless the context
5 otherwise requires:

6 (2.8) "LAW ENFORCEMENT ANIMAL" MEANS ANY ANIMAL USED BY
7 A LAW ENFORCEMENT AGENCY IN THE COURSE OF ITS OFFICIAL DUTIES.
8 "LAW ENFORCEMENT ANIMAL" INCLUDES A CERTIFIED POLICE WORKING
9 DOG AND A POLICE WORKING HORSE.

10 **SECTION 2.** In Colorado Revised Statutes, 18-9-202, **amend**
11 (1.5), (2)(a), (2)(a.5)(V)(B), (2)(c), and (2)(d)(II) as follows:

12 **18-9-202. Cruelty and aggravated cruelty to animals, service**
13 **animals, and law enforcement animals - penalties - short title.**

14 (1.5) (a) A person commits cruelty to animals if ~~he or she~~ THE PERSON
15 recklessly or with criminal negligence tortures, needlessly mutilates, or
16 needlessly kills an animal.

17 (b) A person commits aggravated cruelty to animals if ~~he or she~~
18 THE PERSON:

19 (I) Knowingly tortures, needlessly mutilates, or needlessly kills an
20 animal; OR

21 (II) KNOWINGLY OR RECKLESSLY KILLS OR CAUSES SERIOUS
22 PHYSICAL HARM RESULTING IN THE DEATH OF A LAW ENFORCEMENT
23 ANIMAL OR CAUSES SERIOUS PHYSICAL HARM TO A LAW ENFORCEMENT
24 ANIMAL TO A DEGREE THAT THE LAW ENFORCEMENT ANIMAL MUST BE
25 DECOMMISSIONED FROM ACTIVE DUTY FOR AT LEAST THREE MONTHS,
26 WHETHER THE LAW ENFORCEMENT ANIMAL IS ON DUTY OR NOT ON DUTY.

1 (c) A person commits cruelty to a service animal or a ~~certified~~
2 ~~police working dog or police working horse if he or she~~ LAW
3 ENFORCEMENT ANIMAL IF THE PERSON violates ~~the provisions of~~
4 subsection (1) of this section with respect to a service animal ~~certified~~
5 ~~police working dog, or police working horse~~ OR A LAW ENFORCEMENT
6 ANIMAL, as those terms are defined in section 18-9-201, ~~(2.3), (2.4), and~~
7 ~~(4.7)~~, whether the service animal ~~certified police working dog, or police~~
8 ~~working horse~~, OR LAW ENFORCEMENT ANIMAL is on duty or not on duty.

9 (2) (a) Except as otherwise provided in subsection (2)(b) of this
10 section, cruelty to animals, or cruelty to a service animal ~~or certified~~
11 ~~police working dog or police working horse~~ OR A LAW ENFORCEMENT
12 ANIMAL pursuant to subsection (1.5)(c) of this section, is a class 1
13 misdemeanor.

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

27 (c) Aggravated cruelty to animals, AS DESCRIBED IN SUBSECTION

1 (1.5)(b) OF THIS SECTION, is a class 4 felony.

2 (d) (II) If a person is convicted of cruelty or aggravated cruelty to
3 a service animal ~~certified police working dog, or police working horse~~ OR
4 A LAW ENFORCEMENT ANIMAL pursuant to ~~subsection (1.5)(c)~~ SUBSECTION
5 (1.5)(b) OR (1.5)(c) of this section, the court shall order the person to
6 make restitution to the agency or individual owning the service animal
7 ~~certified police working dog, or police working horse~~ OR LAW
8 ENFORCEMENT ANIMAL for all expenses, including any immediate and
9 ongoing veterinary expenses related to the incident, and replacement costs
10 for the service animal ~~certified police working dog, or police working~~
11 ~~horse~~ OR LAW ENFORCEMENT ANIMAL if it is permanently disabled or
12 killed as a result of the cruelty or aggravated cruelty incident. If the court
13 finds that the person who is convicted of cruelty or aggravated cruelty to
14 a service animal ~~certified police working dog, or police working horse~~ OR
15 LAW ENFORCEMENT ANIMAL pursuant to ~~subsection (1.5)(c)~~ SUBSECTION
16 (1.5)(b) OR (1.5)(c) of this section did so with malicious intent, the person
17 shall additionally make restitution to the agency or individual owning the
18 service animal ~~certified police working dog, or police working horse~~ OR
19 LAW ENFORCEMENT ANIMAL for all training and certification costs related
20 to the service animal ~~certified police working dog, or police working~~
21 ~~horse~~ OR LAW ENFORCEMENT ANIMAL.

22 **SECTION 3. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.