

CHAPTER 94

HEALTH AND ENVIRONMENT

SENATE BILL 99-112

BY SENATORS Hernandez, Dennis, Epps, and Powers;
also REPRESENTATIVES Johnson, Chavez, Clarke, Gotlieb, Hoppe, Kaufman, Leyba, and Mace.

AN ACT

CONCERNING THE REGULATION OF DOGS.

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

SECTION 1. 18-9-204.5 (3) (e), Colorado Revised Statutes, is amended, and the said 18-9-204.5 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

18-9-204.5. Unlawful ownership of dangerous dog. (3) (e) (I) Any owner who violates paragraph (a) of this subsection (3) whose dog injures or destroys any domestic animal commits a class 3 misdemeanor.

(II) Any owner involved in a second or subsequent violation under this paragraph (e) commits a class 2 misdemeanor. THE MINIMUM FINE SPECIFIED IN SECTION 18-1-106 FOR A CLASS 2 MISDEMEANOR SHALL BE MANDATORY.

(III) (A) The court shall order the convicted owner and any owner who enters into a deferred judgment or deferred prosecution to make restitution to the injured or dead domestic animal's owner pursuant to applicable provisions of title 16, C.R.S., governing restitution.

(B) Restitution shall be equal to the GREATER OF THE fair market value OR THE REPLACEMENT COST of the domestic animal on the date, but before the time, the animal was injured or destroyed plus any reasonable and necessary medical expenses incurred in ~~preserving the animal's life~~ TREATING THE ANIMAL AND ANY ACTUAL COSTS INCURRED IN REPLACING THE INJURED OR DESTROYED ANIMAL.

(C) ANY OWNER WHOSE DOG DESTROYS PROPERTY SHALL MAKE RESTITUTION TO

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE OWNER OF SUCH PROPERTY IN AN AMOUNT EQUAL TO THE GREATER OF THE FAIR MARKET VALUE OR THE REPLACEMENT COST OF SUCH PROPERTY BEFORE ITS DESTRUCTION PLUS ANY ACTUAL COSTS INCURRED IN REPLACING SUCH PROPERTY.

(e.5) THE COURT SHALL ORDER ANY OWNER OF A DANGEROUS DOG WHO HAS BEEN CONVICTED OF A VIOLATION OF THIS SECTION TO CONFINE SUCH DANGEROUS DOG IN A BUILDING OR ENCLOSURE DESIGNED TO BE ESCAPE-PROOF AND, WHENEVER SUCH DOG IS OUTSIDE OF SUCH BUILDING OR ENCLOSURE, KEEP THE DOG UNDER SUCH OWNER'S CONTROL BY USE OF A LEASH. IN ADDITION, IF THE CONVICTION IS FOR A SECOND OR SUBSEQUENT OFFENSE, SUCH DANGEROUS DOG SHALL ALSO BE MUZZLED WHENEVER IT IS OUTSIDE OF THE BUILDING OR ENCLOSURE.

SECTION 2. 25-4-607, Colorado Revised Statutes, is amended to read:

25-4-607. Order of board of health requiring inoculation of animals. When it is deemed advisable in the interest of public health and safety, the board of health of an organized health department or a county board of health may order that all dogs, cats, other pet animals, or other mammals in the county or district be vaccinated against rabies, such vaccination to be performed by a licensed veterinarian. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, NO BOARD OF HEALTH OF AN ORGANIZED HEALTH DEPARTMENT OR COUNTY BOARD OF HEALTH SHALL ORDER THE INOCULATION OF ANIMALS AGAINST RABIES ANY MORE FREQUENTLY THAN IS RECOMMENDED IN THE "COMPENDIUM OF ANIMAL RABIES CONTROL" AS PROMULGATED BY THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS.

SECTION 3. 25-4-615, Colorado Revised Statutes, is amended to read:

25-4-615. Further municipal restrictions not prohibited. (1) Nothing in this part 6 shall be construed to limit the power of any municipality within this state to prohibit dogs from running at large, whether or not they have been inoculated as provided in this part 6; and nothing in this part 6 shall be construed to limit the power of any municipality to regulate and control and to enforce other and additional measures for the restriction and control of rabies.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, NO MUNICIPALITY SHALL REQUIRE ANY ANIMAL TO BE INOCULATED AGAINST RABIES ANY MORE FREQUENTLY THAN IS RECOMMENDED IN THE "COMPENDIUM OF ANIMAL RABIES CONTROL" AS PROMULGATED BY THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to acts committed on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 13, 1999