

CHAPTER 175

CRIMINAL LAW AND PROCEDURE

SENATE BILL 06-025

BY SENATOR(S) Owen;
also REPRESENTATIVE(S) Coleman, and Frangas.**AN ACT****CONCERNING MODIFICATIONS TO THE STATUTE GOVERNING UNLAWFUL OWNERSHIP OF A DANGEROUS DOG.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. 18-9-204.5 (2) (b), (3) (e) (II), (3) (e.5), (3) (g), (4), and (6) (b), Colorado Revised Statutes, are amended to read:

18-9-204.5. Unlawful ownership of dangerous dog. (2) As used in this section, unless the context otherwise requires:

(b) "Dangerous dog" means any dog that:

(I) ~~Has inflicted~~ INFLECTS bodily or serious bodily injury upon or ~~has caused~~ CAUSES the death of a person or domestic animal; or

(II) ~~Has demonstrated~~ DEMONSTRATES tendencies that would cause a reasonable person to believe that the dog may inflict BODILY OR SERIOUS BODILY injury upon or cause the death of any person or domestic animal; or

(III) ~~Has engaged~~ ENGAGES in or ~~been~~ IS trained for animal fighting as described and prohibited in section 18-9-204.

(3) (e) (II) Any owner OF A DOG THAT IS involved in a second or subsequent violation under this paragraph (e) commits a class 2 misdemeanor. The minimum fine specified in section 18-1.3-501 for a class 2 misdemeanor shall be mandatory.

(e.5) The court shall order any owner of a dangerous dog who has been convicted of a violation of this section 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.

(I) Confine ~~such~~ THE dangerous dog in a building or enclosure designed to be escape-proof and, whenever ~~such~~ THE dog is outside of ~~such~~ THE building or enclosure, keep the dog under ~~such~~ THE owner's control by use of a leash. THE OWNER SHALL POST A CONSPICUOUS WARNING SIGN ON THE BUILDING OR ENCLOSURE NOTIFYING OTHERS THAT A DANGEROUS DOG IS HOUSED IN THE BUILDING OR ENCLOSURE. In addition, if the conviction is for a second or subsequent offense, ~~such~~ THE dangerous dog shall also be muzzled whenever it is outside of the building or enclosure.

(II) Immediately report to the bureau IN WRITING any material change in the dangerous dog's situation, including but not limited to a CHANGE, TRANSFER, OR TERMINATION OF OWNERSHIP, change of address, escape, or death;

(III) At the owner's expense, permanently identify the dangerous dog through the implantation of a microchip by a licensed veterinarian or a licensed shelter. A veterinarian or licensed shelter that implants a microchip in a dangerous dog shall report the microchipping information to the bureau within ten days after implantation of the microchip, pursuant to section 35-42-115 (2), C.R.S.

(IV) Prior to the implantation of the microchip, pay a nonrefundable dangerous dog microchip license fee of fifty dollars to the bureau;

(V) PRIOR TO THE DANGEROUS DOG RECEIVING ANY SERVICE OR TREATMENT, DISCLOSE IN WRITING TO ANY PROVIDER OF THE SERVICE OR TREATMENT, INCLUDING BUT NOT LIMITED TO A VETERINARY HEALTH CARE WORKER, DOG GROOMER, HUMANE AGENCY STAFF PERSON, PET ANIMAL CARE FACILITY STAFF PERSON, PROFESSIONAL DOG HANDLER, OR DOG TRAINER, EACH ACTING IN THE PERFORMANCE OF HIS OR HER RESPECTIVE DUTIES, THAT THE DANGEROUS DOG HAS BEEN THE SUBJECT OF A CONVICTION OF A VIOLATION OF THIS SECTION;

(VI) PRIOR TO A CHANGE, TRANSFER, OR TERMINATION OF OWNERSHIP OF A DANGEROUS DOG, DISCLOSE IN WRITING TO THE PROSPECTIVE OWNER THAT THE DANGEROUS DOG HAS BEEN THE SUBJECT OF A CONVICTION OF A VIOLATION OF THIS SECTION.

(g) (I) In addition to the penalties set forth in paragraphs (b) to (e) of this subsection (3), upon an owner's entry of a guilty plea or the return of a verdict of guilty by a judge or jury or a deferred judgment or deferred prosecution for a violation that results in serious bodily injury to a person or death to a person or domestic animal or for a second or subsequent violation of ~~said~~ paragraph (b) or (e) OF THIS SUBSECTION (3) resulting in a conviction or a deferred judgment or a deferred prosecution involving the same dog of the same owner, the court ~~may~~ SHALL order that the dangerous dog be immediately confiscated and placed in a public animal shelter and shall order that, upon exhaustion of any right an owner has to appeal a conviction based on a violation of this subsection (3), the owner's dangerous dog be destroyed by lethal injection administered by a licensed veterinarian.

(II) IN ADDITION TO ANY PENALTY SET FORTH IN PARAGRAPHS (b) TO (e) OF THIS SUBSECTION (3), FOR A SECOND OR SUBSEQUENT VIOLATION OF PARAGRAPH (b) OR

(e) OF THIS SUBSECTION (3) RESULTING IN A CONVICTION OR A DEFERRED JUDGMENT OR A DEFERRED PROSECUTION INVOLVING THE SAME DOG OF A DIFFERENT OWNER, THE COURT MAY ORDER THAT THE DANGEROUS DOG BE IMMEDIATELY CONFISCATED AND PLACED IN A PUBLIC ANIMAL SHELTER AND THAT, UPON EXHAUSTION OF ANY RIGHT AN OWNER HAS TO APPEAL A CONVICTION BASED ON A VIOLATION OF THIS SUBSECTION (3), THE OWNER'S DANGEROUS DOG BE DESTROYED BY LETHAL INJECTION ADMINISTERED BY A LICENSED VETERINARIAN.

(4) Upon taking an owner into custody for an alleged violation of this section or the issuing of a summons and complaint to the owner, pursuant to the Colorado rules of criminal procedure and part 1 of article 4 of title 16, C.R.S., the owner's dangerous dog may be taken into custody and placed in a public animal shelter, at the owner's expense, pending final disposition of the charge against the owner. In addition, in the event the court, pursuant to the Colorado rules of criminal procedure and part 1 of article 4 of title 16, C.R.S., sets bail for an owner's release from custody pending final disposition, the court may require, as a condition of bond, that the owner's dangerous dog be placed BY AN IMPOUND AGENCY, AS DEFINED IN SECTION 18-9-202.5 (2), at the owner's expense in a LOCATION SELECTED BY THE IMPOUND AGENCY INCLUDING A public animal shelter, licensed boarding facility, or veterinarian's clinic, ~~of the owner's choosing~~, pending final disposition of the alleged violation of this section. The owner shall be liable for the total cost of board and care for a dog placed pursuant to this subsection (4).

(6) The provisions of this section shall not apply to the following:

(b) To any dog that inflicts bodily or serious bodily injury to any veterinary health care worker, dog groomer, humane agency personnel, professional dog handler, OR trainer ~~or dog show judge~~ each acting in the performance of his or her respective duties, UNLESS THE OWNER IS SUBJECT TO A COURT ORDER ISSUED PURSUANT TO PARAGRAPH (e.5) OF SUBSECTION (3) OF THIS SECTION AND THE OWNER HAS FAILED TO COMPLY WITH THE PROVISIONS OF SUBPARAGRAPH (V) OF PARAGRAPH (e.5) OF SUBSECTION (3) OF THIS SECTION; or

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2006, and shall apply to offenses committed on or after said date.

SECTION 3. 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: May 1, 2006