

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0482.01 Jane Ritter x4342

HOUSE BILL 16-1348

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HOUSE SPONSORSHIP

Ryden,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING A SPECIFIC CRIME OF CRUELTY TO LAW ENFORCEMENT  
102 SERVICE ANIMALS.

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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://www.leg.state.co.us/billsummaries>.)*

The bill establishes a specific crime for cruelty to a law enforcement service animal, which is defined as an animal used in the official duties by a peace officer or law enforcement agency. A first offense is a class 6 felony; second and subsequent offenses are class 5 felonies. The court in a case involving cruelty to a law enforcement service animal is prohibited from accepting a guilty plea for anything

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

lower than a felony. A person convicted of cruelty to a law enforcement service animal is required to make financial restitution to the individual or agency for costs associated with the injuries resulting from the crime of cruelty.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-201, **amend** the  
3 introductory portion and (2); and **add** (2.8) and (4.7) as follows:

4 **18-9-201. Definitions.** As used in this ~~section and sections~~  
5 ~~18-9-201.5, 18-9-202, 18-9-202.5, and 18-9-204.5~~ PART 2, unless the  
6 context otherwise requires:

7 (2) "Animal" means any living dumb creature, including a LAW  
8 ENFORCEMENT SERVICE ANIMAL AND A service animal as THOSE TERMS  
9 ARE defined, RESPECTIVELY, in SUBSECTIONS (2.8) AND (4.7) OF THIS  
10 section. ~~18-1.3-602(3.5)~~.

11 (2.8) "LAW ENFORCEMENT SERVICE ANIMAL" MEANS ANY ANIMAL,  
12 THE SERVICES OF WHICH ARE USED TO AID THE PERFORMANCE OF OFFICIAL  
13 DUTIES BY A PEACE OFFICER OR LAW ENFORCEMENT AGENCY.

14 (4.7) "SERVICE ANIMAL" MEANS ANY ANIMAL, THE SERVICES OF  
15 WHICH ARE USED TO AID THE PERFORMANCE OF OFFICIAL DUTIES BY A FIRE  
16 DEPARTMENT, FIRE PROTECTION DISTRICT, OR GOVERNMENTAL SEARCH  
17 AND RESCUE AGENCY. UNLESS OTHERWISE SPECIFIED, "SERVICE ANIMAL"  
18 DOES NOT INCLUDE A "LAW ENFORCEMENT SERVICE ANIMAL" AS DEFINED  
19 IN SUBSECTION (2.8) OF THIS SECTION.

20 **SECTION 2.** In Colorado Revised Statutes, 18-9-202, **amend**  
21 (1.5) (c), (1.8), (2) (a), (2) (a.5) (V), (2) (b) (I), and (2) (c) as follows:

22 **18-9-202. Cruelty to animals - aggravated cruelty to animals**  
23 **- service animals.** (1.5) (c) A person commits cruelty to a service animal

1 if he or she violates the provisions of subsection (1) of this section with  
2 respect to a service animal, as defined in section ~~18-1.3-602 (3.5)~~  
3 18-9-201 (4.7), whether the service animal is on duty or not on duty. THE  
4 PROVISIONS OF THIS PARAGRAPH (c) DO NOT APPLY TO LAW ENFORCEMENT  
5 SERVICE ANIMALS THAT ARE COVERED PURSUANT TO SECTION 18-9-202.1.

6 (1.8) A peace officer having authority to act under this section  
7 may take possession of and impound an animal that the peace officer has  
8 probable cause to believe is a victim of a violation of subsection (1) ~~or~~  
9 ~~(1.5)~~ of this section OR SECTION 18-9-202.1 or is a victim of a violation  
10 of section 18-9-204 and as a result of the violation is endangered if it  
11 remains with the owner or custodian. If, in the opinion of a licensed  
12 veterinarian, an animal impounded pursuant to this subsection (1.8) is  
13 experiencing extreme pain or suffering, or is severely injured past  
14 recovery, severely disabled past recovery, or severely diseased past  
15 recovery, the animal may be euthanized without a court order.

16 (2) (a) Except as otherwise provided in paragraph (b) of this  
17 subsection (2) OR IN SECTION 18-9-202.1, cruelty to animals OR CRUELTY  
18 TO A SERVICE ANIMAL PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5)  
19 OF THIS SECTION is a class 1 misdemeanor.

20 (a.5) (V) In addition to any other sentence imposed upon a person  
21 for a violation of any criminal law under this title, any person convicted  
22 of a second or subsequent conviction for any crime, the underlying factual  
23 basis of which has been found by the court to include an act of cruelty to  
24 animals ~~shall be~~, OR CRUELTY TO A SERVICE ANIMAL PURSUANT TO  
25 PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS SECTION IS required to pay  
26 a mandatory minimum fine of one thousand dollars and ~~shall be~~ IS  
27 required to complete an anger management treatment program or any

1 other appropriate treatment program.

2 (b) (I) EXCEPT AS PROVIDED FOR IN SECTION 18-9-202.1, a second  
3 or subsequent conviction under the provisions of paragraph (a) of  
4 subsection (1) of this section is a class 6 felony. A plea of nolo  
5 contendere accepted by the court ~~shall be considered~~ IS a conviction for  
6 the purposes of this section.

7 (c) EXCEPT AS PROVIDED FOR IN SECTION 18-9-202.1, aggravated  
8 cruelty to animals is a class 6 felony; except that a second or subsequent  
9 conviction for the offense of aggravated cruelty to animals is a class 5  
10 felony. A plea of nolo contendere accepted by the court ~~shall be~~  
11 ~~considered~~ IS a conviction for purposes of this section.

12 **SECTION 3.** In Colorado Revised Statutes, **add** 18-9-202.1 as  
13 follows:

14 **18-9-202.1. Cruelty to a law enforcement service animal -**  
15 **restitution.** (1) A PERSON COMMITS CRUELTY TO A LAW ENFORCEMENT  
16 SERVICE ANIMAL IF HE OR SHE VIOLATES THE PROVISIONS OF SECTION  
17 18-9-202 (1) WITH RESPECT TO A LAW ENFORCEMENT SERVICE ANIMAL, AS  
18 DEFINED IN SECTION 18-9-201 (2.8), WHETHER THE LAW ENFORCEMENT  
19 SERVICE ANIMAL IS ON DUTY OR NOT ON DUTY.

20 (2) (a) NOTWITHSTANDING THE PROVISIONS OF SECTION 18-9-202  
21 (2) TO THE CONTRARY, AND EXCEPT AS OTHERWISE PROVIDED IN  
22 PARAGRAPH (b) OF THIS SUBSECTION (2), CRUELTY TO A LAW  
23 ENFORCEMENT SERVICE ANIMAL IS A CLASS 6 FELONY. A COURT SHALL  
24 NOT ACCEPT A PLEA OF GUILTY TO AN OFFENSE THAT CARRIES A PENALTY  
25 OTHER THAN A FELONY CRUELTY TO AN ANIMAL OFFENSE, AS DEFINED IN  
26 SECTION 18-9-202, FROM A PERSON CHARGED WITH CRUELTY TO A LAW  
27 ENFORCEMENT SERVICE ANIMAL, AS THAT OFFENSE IS DEFINED IN THIS

1 SECTION.

2 (b) NOTWITHSTANDING THE PROVISIONS OF SECTION 18-9-202 (2),  
3 A SECOND OR SUBSEQUENT CONVICTION UNDER THE PROVISIONS OF  
4 SUBSECTION (1) OF THIS SECTION IS A CLASS 5 FELONY. A PLEA OF NOLO  
5 CONTENDERE ACCEPTED BY THE COURT IS A CONVICTION FOR THE  
6 PURPOSES OF THIS SECTION. A COURT SHALL NOT ACCEPT A PLEA OF  
7 GUILTY TO AN OFFENSE THAT CARRIES A PENALTY OTHER THAN A FELONY  
8 CRUELTY TO AN ANIMAL OFFENSE, AS DEFINED IN SECTION 18-9-202, FROM  
9 A PERSON CHARGED WITH CRUELTY TO A LAW ENFORCEMENT SERVICE  
10 ANIMAL, AS THAT OFFENSE IS DEFINED IN THIS SECTION.

11 (3) IF A PERSON IS CONVICTED OF CRUELTY TO A LAW  
12 ENFORCEMENT SERVICE ANIMAL PURSUANT TO THIS SECTION, THE COURT  
13 SHALL ORDER HIM OR HER TO MAKE RESTITUTION TO THE AGENCY OR  
14 INDIVIDUAL OWNING THE ANIMAL FOR ANY VETERINARY BILLS AND  
15 REPLACEMENT COSTS OF THE ANIMAL IF IT IS DISABLED OR KILLED AS A  
16 RESULT OF THE CRUELTY TO AN ANIMAL INCIDENT.

17 **SECTION 4.** In Colorado Revised Statutes, 18-9-209, **amend** (1)  
18 as follows:

19 **18-9-209. Immunity for reporting cruelty to animals - false**  
20 **report - penalty.** (1) Except as otherwise provided in subsection (2) of  
21 this section, a person who, in good faith, reports a suspected incident of  
22 ~~animal~~ cruelty TO ANIMALS OR SERVICE ANIMALS, as described in section  
23 18-9-202, OR CRUELTY TO A LAW ENFORCEMENT SERVICE ANIMAL, AS  
24 DESCRIBED IN SECTION 18-9-202.1, to a local law enforcement agency or  
25 to the state bureau of animal protection ~~shall be~~ IS immune from civil  
26 liability for reporting the incident.

27 **SECTION 5.** In Colorado Revised Statutes, 35-80-112.5, **amend**

1 (1), (2) (b), and (2) (c) as follows:

2 **35-80-112.5. Denial of license - animal cruelty or animal**  
3 **fighting conviction.** (1) The commissioner, pursuant to article 4 of title  
4 24, C.R.S., may deny, refuse to renew, or revoke any license authorized  
5 under this article if the applicant or licensee, or any principal, officer,  
6 director, manager, or other person who has or would have substantial  
7 control or authority over the licensee or over its daily operations, has been  
8 convicted of cruelty to animals pursuant to section 18-9-202 (1) (a) or  
9 (1.5) (a), C.R.S., SECTION 18-9-202.1, C.R.S., or any similar statute of any  
10 other state.

11 (2) Notwithstanding subsection (1) of this section, the  
12 commissioner, pursuant to article 4 of title 24, C.R.S., shall deny, refuse  
13 to renew, or revoke any license authorized under this article if the  
14 applicant or licensee, or any principal, officer, director, manager, or other  
15 person who has or would have substantial control or authority over the  
16 licensee or over its daily operations, has been convicted, at any time, of:

17 (b) Aggravated cruelty to animals pursuant to section 18-9-202  
18 (1.5) (b), C.R.S., SECTION 18-9-202.1, C.R.S., or any similar statute of any  
19 other state; or

20 (c) A second or subsequent conviction of cruelty to animals  
21 pursuant to section 18-9-202 (1) (a) or (1.5) (a), C.R.S., SECTION  
22 18-9-202.1, C.R.S., or any similar statute of any other state.

23 **SECTION 6. Potential appropriation.** Pursuant to section  
24 2-2-703, C.R.S., any bill that results in a net increase in periods of  
25 imprisonment in state correctional facilities must include an appropriation  
26 of money that is sufficient to cover any increased capital construction and  
27 operational costs for the first five fiscal years in which there is a fiscal

1 impact. Because this act may increase periods of imprisonment, this act  
2 may require a five-year appropriation.

3 **SECTION 7. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.