

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 16-0482.01 Jane Ritter x4342

HOUSE BILL 16-1348

HOUSE SPONSORSHIP

Ryden,

SENATE SPONSORSHIP

Todd,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING A SPECIFIC CRIME OF CRUELTY TO A CERTIFIED POLICE**
102 **WORKING DOG.**

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.*

SENATE
3rd Reading Unamended
May 4, 2016

SENATE
2nd Reading Unamended
May 3, 2016

HOUSE
3rd Reading Unamended
April 21, 2016

HOUSE
Amended 2nd Reading
April 20, 2016

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.

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** (2.3), (4.5), 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
8 CERTIFIED POLICE WORKING DOG AND A service animal as THOSE TERMS
9 ARE defined, RESPECTIVELY, in SUBSECTIONS (2.3) AND (4.7) OF THIS
10 section. ~~18-1.3-602(3.5).~~

11 (2.3) "CERTIFIED POLICE WORKING DOG" MEANS A DOG THAT HAS
12 CURRENT CERTIFICATION FROM A STATE OR NATIONAL AGENCY OR AN
13 ASSOCIATION THAT CERTIFIES POLICE WORKING DOGS, AND THAT IS PART
14 OF A WORKING LAW ENFORCEMENT TEAM.

15 (4.5) "SERIOUS PHYSICAL HARM", AS USED IN SECTION 18-9-202,
16 MEANS ANY OF THE FOLLOWING:

17 (a) ANY PHYSICAL HARM THAT CARRIES A SUBSTANTIAL RISK OF
18 DEATH;

19 (b) ANY PHYSICAL HARM THAT CAUSES PERMANENT MAIMING OR
20 THAT INVOLVES SOME TEMPORARY, SUBSTANTIAL MAIMING; OR

21 (c) ANY PHYSICAL HARM THAT CAUSES ACUTE PAIN OF A
22 DURATION THAT RESULTS IN SUBSTANTIAL SUFFERING.

23 (4.7) "SERVICE ANIMAL" MEANS ANY ANIMAL, THE SERVICES OF

1 WHICH ARE USED TO AID THE PERFORMANCE OF OFFICIAL DUTIES BY A FIRE
2 DEPARTMENT, FIRE PROTECTION DISTRICT, OR GOVERNMENTAL SEARCH
3 AND RESCUE AGENCY. UNLESS OTHERWISE SPECIFIED, "SERVICE ANIMAL"
4 DOES NOT INCLUDE A "CERTIFIED POLICE WORKING DOG" AS DEFINED IN
5 SUBSECTION (2.3) OF THIS SECTION.

6 **SECTION 2.** In Colorado Revised Statutes, 18-9-202, **amend**
7 (1.5) (c), (2) (a), (2) (a.5) (V), and (2) (d); and **repeal** (1.6) as follows:

8 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
9 **- service animals.** (1.5) (c) A person commits cruelty to a service animal
10 OR A CERTIFIED POLICE WORKING DOG if he or she violates the provisions
11 of subsection (1) of this section with respect to a service animal OR
12 CERTIFIED POLICE WORKING DOG, as THOSE TERMS ARE defined in ~~section~~
13 ~~18-1.3-602 (3.5)~~ SECTIONS 18-9-201 (2.3) AND 18-9-201 (4.7), whether
14 the service animal OR CERTIFIED POLICE WORKING DOG is on duty or not
15 on duty.

16 ~~(1.6) As used in this section, unless the context otherwise~~
17 ~~requires:~~

- 18 ~~(a) "Serious physical harm" means any of the following:~~
- 19 ~~(I) Any physical harm that carries a substantial risk of death;~~
- 20 ~~(II) Any physical harm that causes permanent maiming or that~~
21 ~~involves some temporary, substantial maiming; or~~
- 22 ~~(III) Any physical harm that causes acute pain of a duration that~~
23 ~~results in substantial suffering.~~

24 (2) (a) Except as otherwise provided in paragraph (b) of this
25 subsection (2), cruelty to animals, OR CRUELTY TO A SERVICE ANIMAL OR
26 CERTIFIED POLICE WORKING DOG PURSUANT TO PARAGRAPH (c) OF
27 SUBSECTION (1.5) OF THIS SECTION, is a class 1 misdemeanor.

1 (a.5) (V) In addition to any other sentence imposed upon a person
2 for a violation of any criminal law under this title, any person convicted
3 of a second or subsequent conviction for any crime, the underlying factual
4 basis of which has been found by the court to include an act of cruelty to
5 animals ~~shall be~~, OR CRUELTY TO A SERVICE ANIMAL OR A CERTIFIED
6 POLICE WORKING DOG PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5)
7 OF THIS SECTION IS required to pay a mandatory minimum fine of one
8 thousand dollars and ~~shall be~~ IS required to complete an anger
9 management treatment program or any other appropriate treatment
10 program.

11 (d) (I) If a person is convicted of cruelty to a service animal
12 pursuant to paragraph (c) of subsection (1.5) of this section, ~~he or she~~
13 ~~shall be ordered~~ THE COURT SHALL ORDER HIM OR HER to make restitution
14 to the agency or individual owning the SERVICE animal for any veterinary
15 bills and replacement costs of the SERVICE animal if it is disabled or killed
16 as a result of the cruelty to animals incident.

17 (II) IF A PERSON IS CONVICTED OF CRUELTY TO A CERTIFIED POLICE
18 WORKING DOG PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS
19 SECTION, THE COURT SHALL ORDER HIM OR HER TO MAKE RESTITUTION TO
20 THE AGENCY OR INDIVIDUAL OWNING THE CERTIFIED POLICE WORKING DOG
21 FOR ALL EXPENSES, INCLUDING ANY IMMEDIATE AND ONGOING
22 VETERINARY EXPENSES RELATED TO THE INCIDENT, AND REPLACEMENT
23 COSTS FOR THE CERTIFIED POLICE WORKING DOG IF IT IS PERMANENTLY
24 DISABLED OR KILLED AS A RESULT OF THE CRUELTY TO ANIMALS INCIDENT.
25 IF THE COURT FINDS THAT THE PERSON WHO IS CONVICTED OF CRUELTY TO
26 A CERTIFIED POLICE WORKING DOG PURSUANT TO PARAGRAPH (c) OF
27 SUBSECTION (1.5) OF THIS SECTION DID SO WITH MALICIOUS INTENT, THE

1 PERSON SHALL ADDITIONALLY MAKE RESTITUTION TO THE AGENCY OR
2 INDIVIDUAL OWNING THE CERTIFIED WORKING DOG FOR ALL TRAINING AND
3 CERTIFICATION COSTS RELATED TO THE CERTIFIED POLICE WORKING DOG.

4 **SECTION 3.** In Colorado Revised Statutes, 18-9-209, **amend** (1)
5 as follows:

6 **18-9-209. Immunity for reporting cruelty to animals - false**
7 **report - penalty.** (1) Except as otherwise provided in subsection (2) of
8 this section, a person who, in good faith, reports a suspected incident of
9 ~~animal~~ cruelty TO ANIMALS, SERVICE ANIMALS, OR CERTIFIED POLICE
10 WORKING DOGS, as described in section 18-9-202, to a local law
11 enforcement agency or to the state bureau of animal protection ~~shall be~~
12 IS immune from civil liability for reporting the incident.

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