



**Colorado
Legislative
Council
Staff**

HB16-1348

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0482
Prime Sponsor(s): Rep. Ryden
Sen. Todd

Date: July 12, 2016
Bill Status: Signed into Law
Fiscal Analyst: Clare Pramuk (303-866-2677)

BILL TOPIC: CRIME OF CRUELTY TO A CERTIFIED POLICE WORKING DOG

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal workload increase.		

Summary of Legislation

The bill defines a "certified police working dog" (police dog) as a dog with a current certification from a state or national agency or an association that certifies police working dogs, and that is part of a law enforcement team. A person convicted of cruelty to a police dog is required to make financial restitution to the individual or agency that owns the police dog for all expenses, including any immediate and ongoing veterinary expenses related to the incident, and replacement costs if the police dog is permanently disabled or killed as a result of the incident. If a court finds that the person who is convicted of cruelty to a police dog did so with malicious intent, the person must also make restitution to the agency or the individual owning the police dog for all training and certification costs. Finally, the bill grants immunity from civil liability for a person who reports a suspected incident of cruelty to service animals or police dogs.

Background

Under current law, service animals include animals that are used for official duties by a peace officer, law enforcement agency, fire department, fire protection district, or governmental search and rescue agency. A charge of cruelty to animals, including service animals, is a class 1 misdemeanor; a subsequent conviction is a class 6 felony. The offense of aggravated cruelty to animals is a class 6 felony for a first offense and a class 5 felony with a mandatory fine of \$1,000 and anger management treatment for subsequent convictions. If convicted, the court must order the person to make restitution to the agency or owner of the animal for any veterinary bills and replacement costs of the animal if it is disabled or killed as a result of the incident.

Assumptions

The fiscal note assumes that no charges of cruelty to animals against police animals will be prosecuted until FY 2016-17.

State Revenue

Beginning in the FY 2016-17, this bill may increase state revenue from restitution for training and certification costs related to a police dog if the animal is disabled or killed as a result of an animal cruelty incident committed with malicious intent. The Department of Public Safety, and the Department of Corrections currently use police dogs.

State Expenditures

This bill may increase workload for trial courts in the Judicial Department to ascertain whether a defendant acted with malicious intent. Charges of animal cruelty to police dogs are expected to be minimal and any increase in workload can be accomplished within existing appropriations.

Local Government Impact

Local law enforcement. This bill may increase revenue to local law enforcement agencies from restitution for training and certification costs related to a police dog if the animal is disabled or killed as a result of an animal cruelty incident committed with malicious intent.

Misdemeanor offenses in county courts. The bill may increase workload for district attorneys to prove whether a defendant acted with malicious intent. Charges of animal cruelty to police dogs are expected to be minimal so the impact of this bill will be minimal.

Denver County Court. The court may have a minimal increase in workload to ascertain whether a defendant acted with malicious intent resulting in a minimal increase in workload for the Denver County Court, managed and funded by the City and County of Denver.

Effective Date

The bill was signed into law by the Governor and took effect on June 6, 2016.

State and Local Government Contacts

Corrections
Public Safety

Information Technology
Sheriffs

Judicial