

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 14, 2016
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB16-1348 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 18-9-201, **amend**
4 the introductory portion and (2); and **add** (2.3), (4.5), and (4.7) as
5 follows:

6 **18-9-201. Definitions.** As used in this ~~section and sections~~
7 ~~18-9-201.5, 18-9-202, 18-9-202.5, and 18-9-204.5~~ PART 2, unless the
8 context otherwise requires:

9 (2) "Animal" means any living dumb creature, including a
10 CERTIFIED POLICE WORKING DOG AND A service animal as THOSE TERMS
11 ARE defined, RESPECTIVELY, in SUBSECTIONS (2.3) AND (4.7) OF THIS
12 section. ~~18-1.3-602 (3.5)~~.

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

17 (4.5) "SERIOUS PHYSICAL HARM", AS USED IN SECTION 18-9-202,
18 MEANS ANY OF THE FOLLOWING:

19 (a) ANY PHYSICAL HARM THAT CARRIES A SUBSTANTIAL RISK OF
20 DEATH;

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

23 (c) ANY PHYSICAL HARM THAT CAUSES ACUTE PAIN OF A

1 DURATION THAT RESULTS IN SUBSTANTIAL SUFFERING.

2 (4.7) "SERVICE ANIMAL" MEANS ANY ANIMAL, THE SERVICES OF
3 WHICH ARE USED TO AID THE PERFORMANCE OF OFFICIAL DUTIES BY A FIRE
4 DEPARTMENT, FIRE PROTECTION DISTRICT, OR GOVERNMENTAL SEARCH
5 AND RESCUE AGENCY. UNLESS OTHERWISE SPECIFIED, "SERVICE ANIMAL"
6 DOES NOT INCLUDE A "CERTIFIED POLICE WORKING DOG" AS DEFINED IN
7 SUBSECTION (2.3) OF THIS SECTION.

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

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

18 (1.6) ~~As used in this section, unless the context otherwise~~
19 ~~requires:~~

20 (a) ~~"Serious physical harm" means any of the following:~~

21 (I) ~~Any physical harm that carries a substantial risk of death;~~

22 (II) ~~Any physical harm that causes permanent maiming or that~~
23 ~~involves some temporary, substantial maiming; or~~

24 (III) ~~Any physical harm that causes acute pain of a duration that~~
25 ~~results in substantial suffering.~~

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

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

40 (d) (I) If a person is convicted of cruelty to a service animal
41 pursuant to paragraph (c) of subsection (1.5) of this section, ~~he or she~~

1 ~~shall be ordered~~ THE COURT SHALL ORDER HIM OR HER to make restitution
2 to the agency or individual owning the SERVICE animal for any veterinary
3 bills and replacement costs of the SERVICE animal if it is disabled or killed
4 as a result of the cruelty to animals incident.

5 (II) IF A PERSON IS CONVICTED OF CRUELTY TO A CERTIFIED POLICE
6 WORKING DOG PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS
7 SECTION, THE COURT SHALL ORDER HIM OR HER TO MAKE RESTITUTION TO
8 THE AGENCY OR INDIVIDUAL OWNING THE CERTIFIED POLICE WORKING DOG
9 FOR ALL EXPENSES, INCLUDING BUT NOT LIMITED TO ALL TRAINING AND
10 CERTIFICATION COSTS FOR THE CERTIFIED POLICE WORKING DOG, ANY
11 VETERINARY EXPENSES, INCLUDING ONGOING EXPENSES, RELATED TO THE
12 INCIDENT, AND REPLACEMENT COSTS FOR THE CERTIFIED POLICE WORKING
13 DOG IF IT IS PERMANENTLY DISABLED OR KILLED AS A RESULT OF THE
14 CRUELTY TO ANIMALS INCIDENT.

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

17 **18-9-209. Immunity for reporting cruelty to animals - false**
18 **report - penalty.** (1) Except as otherwise provided in subsection (2) of
19 this section, a person who, in good faith, reports a suspected incident of
20 ~~animal~~ cruelty TO ANIMALS, SERVICE ANIMALS, OR CERTIFIED POLICE
21 WORKING DOGS, as described in section 18-9-202, to a local law
22 enforcement agency or to the state bureau of animal protection ~~shall be~~
23 IS immune from civil liability for reporting the incident.

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

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