

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 18-0511.01 Jane Ritter x4342

HOUSE BILL 18-1041

HOUSE SPONSORSHIP

Catlin,

SENATE SPONSORSHIP

Coram,

House Committees
Judiciary

Senate Committees
Local Government

A BILL FOR AN ACT

101 **CONCERNING ADDING CERTIFIED POLICE WORKING HORSES TO THE**
102 **CRIME OF CRUELTY TO A SERVICE ANIMAL OR A CERTIFIED**
103 **POLICE 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://leg.colorado.gov>.)

Current law includes a separate crime for cruelty to a service animal or a certified police working dog. The bill adds a definition for "certified police working horse" to statute and adds certified police working horses to the crime of cruelty to a service animal or a certified police working dog. A person who, in good faith, reports an incident of

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

SENATE
2nd Reading Unamended
February 23, 2018

HOUSE
3rd Reading Unamended
February 8, 2018

HOUSE
2nd Reading Unamended
February 7, 2018

cruelty to a certified police working horse is granted the same immunity from civil liability that persons have when reporting, in good faith, cruelty to a service animal or a certified police working dog.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-201, **amend** (2)
3 and (4.7); and **add** (2.4) as follows:

4 **18-9-201. Definitions.** As used in this part 2, unless the context
5 otherwise requires:

6 (2) "Animal" means any living dumb creature, including a
7 certified police working dog, A CERTIFIED POLICE WORKING HORSE, and
8 a service animal as those terms are defined, respectively, in ~~subsections~~
9 ~~(2.3) and (4.7)~~ SUBSECTIONS (2.3), (2.4), AND (4.7) of this section.

10 (2.4) "CERTIFIED POLICE WORKING HORSE" MEANS A HORSE THAT
11 HAS CURRENT CERTIFICATION FROM A STATE OR NATIONAL AGENCY OR AN
12 ASSOCIATION THAT CERTIFIES POLICE WORKING HORSES, AND THAT IS PART
13 OF A WORKING LAW ENFORCEMENT TEAM.

14 (4.7) "Service animal" means any animal, the services of which
15 are used to aid the performance of official duties by a fire department, fire
16 protection district, or governmental search and rescue agency. Unless
17 otherwise specified, "service animal" does not include a "certified police
18 working dog" OR A "CERTIFIED POLICE WORKING HORSE" as defined in
19 ~~subsection (2.3)~~ SUBSECTIONS (2.3) AND (2.4) of this section.

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

22 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
23 **- service animals - certified police working dogs and horses.**

24 (1.5) (c) A person commits cruelty to a service animal or a certified

1 police working dog OR CERTIFIED POLICE WORKING HORSE if he or she
2 violates the provisions of subsection (1) of this section with respect to a
3 service animal, ~~or~~ certified police working dog, OR CERTIFIED POLICE
4 WORKING HORSE, as those terms are defined in ~~sections 18-9-201 (2.3)~~
5 ~~and 18-9-201 (4.7)~~ SECTION 18-9-201 (2.3), (2.4), AND (4.7), whether the
6 service animal, ~~or~~ certified police working dog, OR CERTIFIED POLICE
7 WORKING HORSE is on duty or not on duty.

8 (2) (a) Except as otherwise provided in ~~paragraph (b) of this~~
9 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, cruelty to animals, or
10 cruelty to a service animal or certified police working dog OR CERTIFIED
11 POLICE WORKING HORSE pursuant to ~~paragraph (c) of subsection (1.5)~~
12 SUBSECTION (1.5)(c) of this section, is a class 1 misdemeanor.

13 (a.5) (V) In addition to any other sentence imposed upon a person
14 for a violation of any criminal law under this ~~title~~ TITLE 18, any person
15 convicted of a second or subsequent conviction for any crime, the
16 underlying factual basis of which has been found by the court to include
17 an act of cruelty to animals, or cruelty to a service animal or a certified
18 police working dog OR CERTIFIED POLICE WORKING HORSE pursuant to
19 ~~paragraph (c) of subsection (1.5)~~ SUBSECTION (1.5)(c) of this section, is
20 required to pay a mandatory minimum fine of one thousand dollars and
21 is required to complete an anger management treatment program or any
22 other appropriate treatment program.

23 (d) (II) If a person is convicted of cruelty to a certified police
24 working dog OR CERTIFIED POLICE WORKING HORSE pursuant to ~~paragraph~~
25 ~~(c) of subsection (1.5)~~ SUBSECTION (1.5)(c) of this section, the court shall
26 order him or her to make restitution to the agency or individual owning
27 the certified police working dog OR CERTIFIED POLICE WORKING HORSE for

1 all expenses, including any immediate and ongoing veterinary expenses
2 related to the incident, and replacement costs for the certified police
3 working dog OR CERTIFIED POLICE WORKING HORSE if it is permanently
4 disabled or killed as a result of the cruelty to animals incident. If the court
5 finds that the person who is convicted of cruelty to a certified police
6 working dog OR CERTIFIED POLICE WORKING HORSE pursuant to ~~paragraph~~
7 ~~(c) of subsection (1.5)~~ SUBSECTION (1.5)(c) of this section did so with
8 malicious intent, the person shall additionally make restitution to the
9 agency or individual owning the certified POLICE working dog OR
10 CERTIFIED POLICE WORKING HORSE for all training and certification costs
11 related to the certified police working dog OR CERTIFIED POLICE WORKING
12 HORSE.

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

15 **18-9-209. Immunity for reporting cruelty to animals - false**
16 **report - penalty.** (1) Except as otherwise provided in subsection (2) of
17 this section, a person who, in good faith, reports a suspected incident of
18 cruelty to animals, service animals, or certified police working dogs OR
19 CERTIFIED POLICE WORKING HORSES, as described in section 18-9-202, to
20 a local law enforcement agency or to the state bureau of animal protection
21 is immune from civil liability for reporting the incident.

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