

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 19-0854.01 Shelby Ross x4510

HOUSE BILL 19-1180

HOUSE SPONSORSHIP

Geitner, Becker, Bird, Bockenfeld, Buentello, Duran, Gray, Titone, Van Winkle

SENATE SPONSORSHIP

Gardner and Lee,

House Committees
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A BILL FOR AN ACT

101 **CONCERNING THE CLARIFICATION OF THE DEFINITION OF A POLICE**
102 **WORKING HORSE FOR THE PURPOSE OF CRUELTY TO ANIMALS.**

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 prohibits cruelty to certain animals, including a certified police working horse. However, there is no certification process for police working horses. The bill clarifies this by removing the term "certified" from the definition of police working horse and revises the definition accordingly.

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
March 18, 2019

HOUSE
3rd Reading Unamended
March 6, 2019

HOUSE
Amended 2nd Reading
March 5, 2019

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 (2.4), and (4.7) 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 a
8 service animal as those terms are defined, respectively, in subsections
9 (2.3), (2.4), and (4.7) of this section.

10 (2.4) ~~"Certified police~~ "POLICE working horse" means a horse that
11 ~~has current certification from a state or national agency or an association~~
12 ~~that certifies police working horses, and that is part of~~ IS CURRENTLY
13 WORKING FULL TIME OR PART TIME AS PART OF a working law enforcement
14 team AND HAS MET THE STANDARDS OF THE LAW ENFORCEMENT TEAM TO
15 WORK IN SUCH CAPACITY.

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

22 **SECTION 2.** In Colorado Revised Statutes, 18-9-202, **amend**
23 (1.5)(c), (2)(a), (2)(a.5)(V), and (2)(d)(II) as follows:

24 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
25 **- service animals.** (1.5) (c) A person commits cruelty to a service animal
26 or a certified police working dog or ~~certified~~ police working horse if he

1 or she violates the provisions of subsection (1) of this section with respect
2 to a service animal, certified police working dog, or ~~certified~~ police
3 working horse, as those terms are defined in section 18-9-201 (2.3), (2.4),
4 and (4.7), whether the service animal, certified police working dog, or
5 ~~certified~~ police working horse is on duty or not on duty.

6 (2) (a) Except as otherwise provided in subsection (2)(b) of this
7 section, cruelty to animals, or cruelty to a service animal or certified
8 police working dog or ~~certified~~ police working horse pursuant to
9 subsection (1.5)(c) of this section, is a class 1 misdemeanor.

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

20 (d) (II) If a person is convicted of cruelty to a certified police
21 working dog or ~~certified~~ police working horse pursuant to subsection
22 (1.5)(c) of this section, the court shall order him or her to make restitution
23 to the agency or individual owning the certified police working dog or
24 ~~certified~~ police working horse for all expenses, including any immediate
25 and ongoing veterinary expenses related to the incident, and replacement
26 costs for the certified police working dog or ~~certified~~ police working
27 horse if it is permanently disabled or killed as a result of the cruelty to

1 animals incident. If the court finds that the person who is convicted of
2 cruelty to a certified police working dog or ~~certified~~ police working horse
3 pursuant to subsection (1.5)(c) of this section did so with malicious intent,
4 the person shall additionally make restitution to the agency or individual
5 owning the certified police working dog or ~~certified~~ police working horse
6 for all training and certification costs related to the certified police
7 working dog or ~~certified~~ police working horse.

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

10 **18-9-209. Immunity for reporting cruelty to animals - false**
11 **report - penalty.** (1) Except as otherwise provided in subsection (2) of
12 this section, a person who, in good faith, reports a suspected incident of
13 cruelty to animals, service animals, or certified police working dogs or
14 ~~certified~~ police working horses, as described in section 18-9-202, to a
15 local law enforcement agency or to the state bureau of animal protection
16 is immune from civil liability for reporting the incident.

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