

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0741.01 Jane Ritter x4342

SENATE BILL 20-104

SENATE SPONSORSHIP

Cooke, Fields

HOUSE SPONSORSHIP

Roberts,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING POWERS OF BUREAU OF ANIMAL PROTECTION AGENTS.

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>.)

The bill grants additional duties and powers to bureau of animal protection agents (agent), including the authority to conduct investigations; to take possession of and impound any animal that the agent has probable cause to believe is a victim of cruelty to animals; and to take possession of and impound a dog if the agent has probable cause to believe the dog is a dangerous dog.

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.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The protection of companion animals from cruelty and neglect
5 is of utmost importance to the citizens of Colorado;

6 (b) The general assembly has confirmed this value by enacting
7 some of the most robust and comprehensive animal protection laws in the
8 country, including the creation of the bureau of animal protection;

9 (c) Bureau of animal protection agents are often the first line of
10 defense in investigating allegations of animal cruelty and neglect in
11 Colorado;

12 (d) Bureau of animal protection agents are highly trained officers
13 who are skilled in responding to suspected cases of animal cruelty and
14 neglect; and

15 (e) Many law enforcement agencies in the state rely on the
16 expertise of bureau of animal protection agents to assist in inspecting and
17 handling animal cruelty and neglect inquiries; however, because the
18 statutory authority granted to the bureau of animal protection agents is
19 unclear, not all cases of animal cruelty and neglect are being fully
20 investigated.

21 (2) Therefore, the general assembly declares it is a necessary and
22 important part of protecting companion animals to clarify the statutory
23 investigative and impounding authority of bureau of animal protection
24 agents to ensure that these agents can fully execute their duty to protect
25 Colorado companion animals from cruelty and neglect.

26 **SECTION 2.** In Colorado Revised Statutes, 35-42-103, **amend**
27 the introductory portion and (1) as follows:

1 **35-42-103. Definitions.** As used in this ~~article~~ ARTICLE 42, unless
2 the context otherwise requires:

3 (1) "Abandon" means the leaving of an animal without adequate
4 provisions for the animal's proper care by its owner, CARETAKER, PERSON
5 IN POSSESSION OF THE ANIMAL, OR the person responsible for the animal's
6 care or custody, or any other person having possession of such animal.

7 **SECTION 3.** In Colorado Revised Statutes, 35-42-107, **amend**
8 (4) as follows:

9 **35-42-107. Bureau personnel - appointment.** (4) Agents of the
10 bureau who have completed training as specified by the commissioner are
11 vested with the power to CONDUCT INVESTIGATIONS AND issue summons
12 and complaints to enforce the provisions of part 2 of article 9 of title 18
13 ~~C.R.S.~~, and article 80 of this ~~title~~, TITLE 35 as granted peace officers
14 ~~under~~ PURSUANT TO section 16-2-104, ~~C.R.S.~~, and ~~shall be~~ ARE designated
15 as peace officers, as described in sections 16-2.5-101 and 16-2.5-118.
16 ~~C.R.S.~~

17 **SECTION 4.** In Colorado Revised Statutes, 18-9-202, **amend**
18 (1.8) as follows:

19 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
20 **- service animals - short title.** (1.8) A peace officer OR BUREAU OF
21 ANIMAL PROTECTION AGENT, AS DESCRIBED IN SECTION 35-42-107, having
22 authority to act ~~under~~ PURSUANT TO this section may take possession of
23 and impound an animal that the peace officer OR BUREAU OF ANIMAL
24 PROTECTION AGENT has probable cause to believe is a victim of a
25 violation of subsection (1) or (1.5) of this section or is a victim of a
26 violation of section 18-9-204 and as a result of the violation is
27 endangered if it remains with the owner or custodian. If, in the opinion of

1 a licensed veterinarian, an animal impounded pursuant to this subsection
2 (1.8) is experiencing extreme pain or suffering, or is severely injured past
3 recovery, severely disabled past recovery, or severely diseased past
4 recovery, the animal may be euthanized without a court order.

5 **SECTION 5.** In Colorado Revised Statutes, 18-9-204.5, **add** (2.5)
6 as follows:

7 **18-9-204.5. Unlawful ownership of dangerous dog - legislative**
8 **declaration - definitions.** (2.5) A PEACE OFFICER OR BUREAU OF ANIMAL
9 PROTECTION AGENT, AS DESCRIBED IN SECTION 35-42-107, HAVING
10 AUTHORITY TO ACT PURSUANT TO THIS SECTION, MAY TAKE POSSESSION
11 OF AND IMPOUND A DOG IF THE PEACE OFFICER OR BUREAU OF ANIMAL
12 PROTECTION AGENT HAS PROBABLE CAUSE TO BELIEVE THAT THE DOG IS
13 A DANGEROUS DOG, AS DEFINED IN SUBSECTION (2)(b) OF THIS SECTION.

14 **SECTION 6. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2020 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.