A BILL FOR AN ACT

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.
Be it enacted by the General Assembly of the State of Colorado:

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

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

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

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

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

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

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

SECTION 2. In Colorado Revised Statutes, 35-42-103, amend the introductory portion and (1) as follows:
35-42-103. Definitions. As used in this article ARTICLE 42, unless the context otherwise requires:

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

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

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

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

18-9-202. Cruelty to animals - aggravated cruelty to animals - service animals - short title. (1.8) A peace officer OR BUREAU OF ANIMAL PROTECTION AGENT, AS DESCRIBED IN SECTION 35-42-107, having authority to act under PURSUANT TO this section may take possession of and impound an animal that the peace officer OR BUREAU OF ANIMAL PROTECTION AGENT has probable cause to believe is a victim of a violation of subsection (1) or (1.5) of this section or is a victim of a violation of section 18-9-204 and as a result of the violation is endangered if it remains with the owner or custodian. If, in the opinion of
a licensed veterinarian, an animal impounded pursuant to this subsection
(1.8) is experiencing extreme pain or suffering, or is severely injured past
recovery, severely disabled past recovery, or severely diseased past
recovery, the animal may be euthanized without a court order.

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

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

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