

## CHAPTER 341

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**CRIMINAL LAW AND PROCEDURE**


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**HOUSE BILL 23-1286**

BY REPRESENTATIVE(S) Armagost and Duran, Bird, Bockenfeld, Bradfield, Brown, DeGraaf, Frizell, Jodeh, Kipp, Lindsay, Lindstedt, Lynch, Marshall, McCormick, Michaelson Jenet, Snyder, Soper, Story, Titone, Valdez, Weinberg, Winter T., McCluskie;  
 also SENATOR(S) Gardner and Ginal, Baisley, Cutter, Hansen, Kolker, Liston, Pelton R., Roberts, Simpson, Smallwood, Van Winkle, Will, Zenzinger, Fenberg.

**AN ACT**

**CONCERNING CHANGES TO MONETARY PENALTIES FOR THE OFFENSE OF CRUELTY TO ANIMALS FOR WORKING ANIMALS THAT ARE USED IN CONNECTION WITH GOVERNMENTAL ENTITIES.**

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

**SECTION 1.** In Colorado Revised Statutes, 18-9-202, **amend** (2)(a.5)(V) and (2)(d)(II) as follows:

**18-9-202. Cruelty to animals - aggravated cruelty to animals - service animals - short title.** (2) (a.5) (V) (A) In addition to any other sentence imposed upon a person for a violation of any criminal law under this title 18, any person convicted of a second or subsequent conviction for any crime, the underlying factual basis of which has been found by the court to include an act of cruelty to animals ~~or cruelty to a service animal, or a certified police working dog, or police working horse pursuant to subsection (1.5)(c) of this section,~~ PURSUANT TO SUBSECTION (1) OF THIS SECTION OR AGGRAVATED CRUELTY TO ANIMALS PURSUANT TO SUBSECTION (1.5)(b) OF THIS SECTION is required to pay a mandatory minimum fine of one thousand dollars and is required to complete an anger management treatment program or any other appropriate treatment program.

(B) IN ADDITION TO ANY OTHER SENTENCE IMPOSED UPON A PERSON FOR A VIOLATION OF ANY CRIMINAL LAW UNDER THIS TITLE 18, ANY PERSON CONVICTED OF A SECOND OR SUBSEQUENT CONVICTION FOR ANY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT TO INCLUDE CRUELTY TO A SERVICE ANIMAL, CERTIFIED POLICE WORKING DOG, OR POLICE WORKING HORSE PURSUANT TO SUBSECTION (1.5)(c)(I) OF THIS SECTION OR AGGRAVATED CRUELTY

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

TO A SERVICE ANIMAL, CERTIFIED POLICE WORKING DOG, OR POLICE WORKING HORSE PURSUANT TO SUBSECTION (1.5)(c)(II) OF THIS SECTION, IS REQUIRED TO PAY A MANDATORY MINIMUM FINE OF TWO THOUSAND DOLLARS AND IS REQUIRED TO COMPLETE AN ANGER MANAGEMENT TREATMENT PROGRAM OR ANY OTHER APPROPRIATE TREATMENT PROGRAM.

(d) (II) If a person is convicted of cruelty OR AGGRAVATED CRUELTY to a SERVICE ANIMAL, certified police working dog, or police working horse pursuant to subsection (1.5)(c) of this section, the court shall order ~~him or her~~ THE PERSON to make restitution to the agency or individual owning the SERVICE ANIMAL, certified police working dog, or police working horse for all expenses, including any immediate and ongoing veterinary expenses related to the incident, and replacement costs for the SERVICE ANIMAL, certified police working dog, or police working horse if it is permanently disabled or killed as a result of the cruelty ~~to animals~~ OR AGGRAVATED CRUELTY incident. If the court finds that the person who is convicted of cruelty OR AGGRAVATED CRUELTY to a SERVICE ANIMAL, certified police working dog, or police working horse pursuant to subsection (1.5)(c) of this section did so with malicious intent, the person shall additionally make restitution to the agency or individual owning the SERVICE ANIMAL, certified police working dog, or police working horse for all training and certification costs related to the SERVICE ANIMAL, certified police working dog, or police working horse.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 2, 2023