

CHAPTER 282

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 00-1422

BY REPRESENTATIVES Leyba, Johnson, Coleman, Gagliardi, Mace, Plant, Tapia, Tate, Tupa, Veiga, Vigil, S.Williams; also SENATORS Perlmutter, Hernandez, and Weddig.

AN ACT

CONCERNING THE CONTINUED USE OF THE ANIMAL CRUELTY PREVENTION FUND.

*Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 18-9-201.7 (4) and (6), Colorado Revised Statutes, are amended to read:

18-9-201.7. Animal cruelty prevention fund - control of fund - repeal.
(4) Not more than five percent of the aggregate amount of the moneys in the fund shall be used to administer the fund. The remaining moneys in the fund shall be used by the ~~department of agriculture~~ DIVISION OF CRIMINAL JUSTICE to assist with costs associated with the care, treatment, or shelter of any animal that is the subject of cruelty, and ~~by the judicial branch~~ to pay the costs of court-ordered anger management treatment programs and other psychological evaluations and counseling for JUVENILES SUPERVISED PURSUANT TO SECTION 19-2-303, C.R.S., AND FOR indigent persons convicted or adjudicated as juvenile delinquents for acts of cruelty to animals. No moneys from the fund shall be paid to an offender.

(6) This section is repealed, effective July 1, 2001- 2005.

SECTION 2. 18-9-202 (2) (a.5) (I), Colorado Revised Statutes, is amended to read:

18-9-202. Cruelty to animals - neglect of animals - offenses - repeal.
(2) (a.5) (I) (A) In addition to any sentence imposed upon a person for violation of any criminal law under this title, any person convicted of committing cruelty to animals pursuant to subsection (1) of this section, the underlying factual basis of which has been found by the court to include the knowing or intentional torture or torment of an animal which needlessly injures, mutilates, or kills an animal shall pay

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

a surcharge of up to four hundred dollars to the clerk of the court in the county in which the conviction occurs or in which a deferred sentence is entered. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the fund.

(B) This subparagraph (I) is repealed, effective July 1, 2001.

SECTION 3. Transfer of appropriation. From the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2000, to the department of agriculture for operating expenses for the prevention of cruelty to animals, the sum of ten thousand dollars (\$10,000) is hereby transferred to the department of public safety, division of criminal justice, from the animal protection fund, for the implementation of this act. These moneys shall be designated as cash funds exempt.

SECTION 4. Effective date. This act shall take effect September 1, 2000, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 30, 2000