

CHAPTER 102

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 05-1202

BY REPRESENTATIVE(S) Borodkin, Coleman, Frangas, Green, Todd, and Romanoff;
also SENATOR(S) Hanna, Groff, Johnson, Shaffer, and Williams.

AN ACT**CONCERNING LIABILITY FOR REPORTING ANIMAL CRUELTY.**

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

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

(a) There is a direct link between cruelty toward animals and cruelty toward humans; and

(b) For the purposes of identifying and prosecuting individuals who have committed crimes against animals, preventing further cruelty toward animals, and preventing cruelty toward animals from progressing to cruelty toward humans, it is necessary and in the public interest to grant immunity from liability for reporting animal cruelty to the appropriate authorities.

SECTION 2. Part 2 of article 9 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-9-209. Immunity for reporting animal cruelty - false report - penalty.

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON WHO, IN GOOD FAITH, REPORTS A SUSPECTED INCIDENT OF ANIMAL CRUELTY, AS DESCRIBED IN SECTION 18-9-202, TO A LOCAL LAW ENFORCEMENT AGENCY OR TO THE STATE BUREAU OF ANIMAL PROTECTION SHALL BE IMMUNE FROM CIVIL LIABILITY FOR REPORTING THE INCIDENT.

(2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO A PERSON WHO KNOWINGLY MAKES A FALSE REPORT OF ANIMAL CRUELTY.

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

(3) A PERSON WHO KNOWINGLY MAKES A FALSE REPORT OF ANIMAL CRUELTY TO A LOCAL LAW ENFORCEMENT AGENCY OR TO THE STATE BUREAU OF ANIMAL PROTECTION COMMITS A CLASS 3 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to reports made on or after said date.

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

Approved: April 22, 2005