

CHAPTER 46

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 05-1055

BY REPRESENTATIVE(S) Ragsdale, Benefield, Berens, Borodkin, Buescher, Cloer, Coleman, Crane, Frangas, Green, Hodge, Hoppe, Jahn, Larson, Lindstrom, Madden, McGihon, Merrifield, and Stafford;
also SENATOR(S) Johnson, Entz, Groff, Grossman, Hanna, Keller, Kester, Lamborn, Mitchell, Spence, Teck, Tupa, Veiga, Williams, and Windels.

AN ACT

CONCERNING THE MANDATORY ASSESSMENT OF RESTITUTION IN CRIMINAL CASES THAT INVOLVE THE HARMING OF A SERVICE ANIMAL.

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

SECTION 1. 18-1.3-602 (3) (a), Colorado Revised Statutes, is amended, and the said 18-1.3-602 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

18-1.3-602. Definitions. As used in this part 6, unless the context otherwise requires:

(2.3) "MONEY ADVANCED BY A GOVERNMENTAL AGENCY FOR A SERVICE ANIMAL" MEANS COSTS INCURRED BY A PEACE OFFICER, LAW ENFORCEMENT AGENCY, FIRE DEPARTMENT, FIRE PROTECTION DISTRICT, OR GOVERNMENTAL SEARCH AND RESCUE AGENCY FOR THE VETERINARY TREATMENT AND DISPOSAL OF A SERVICE ANIMAL THAT WAS HARMED WHILE AIDING IN OFFICIAL DUTIES AND FOR THE TRAINING OF AN ANIMAL TO BECOME A SERVICE ANIMAL TO REPLACE A SERVICE ANIMAL THAT WAS HARMED WHILE AIDING IN OFFICIAL DUTIES, AS APPLICABLE.

(3) (a) "Restitution" means any pecuniary loss suffered by a victim, and includes but is not limited to all out-of-pocket expenses, interest, loss of use of money, anticipated future expenses, rewards paid by victims, money advanced by law enforcement agencies, MONEY ADVANCED BY A GOVERNMENTAL AGENCY FOR A SERVICE ANIMAL, adjustment expenses, and other losses or injuries proximately caused by an offender's conduct and that can be reasonably calculated and recompensed in money. "Restitution" does not include damages for physical or

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

mental pain and suffering, loss of consortium, loss of enjoyment of life, loss of future earnings, or punitive damages.

(3.5) "SERVICE ANIMAL" MEANS ANY ANIMAL, THE SERVICES OF WHICH ARE USED TO AID THE PERFORMANCE OF OFFICIAL DUTIES BY A PEACE OFFICER, LAW ENFORCEMENT AGENCY, FIRE DEPARTMENT, FIRE PROTECTION DISTRICT, OR GOVERNMENTAL SEARCH AND RESCUE AGENCY.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to offenses committed on or after said date.

SECTION 3. 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 7, 2005