

CHAPTER 81

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 11-1151

BY REPRESENTATIVE(S) Hamner, Barker, Conti, Court, Fields, Labuda, Lee, Miklosi, Murray, Pabon, Pace, Peniston, Priola, Ramirez, Ryden, Schafer S., Scott, Solano, Todd, Tyler, Vigil, Williams A., Wilson, Fischer, Hulinghorst, Joshi, Levy; also SENATOR(S) Nicholson, Aguilar, Carroll, Giron, Guzman, Hodge, King S., Morse, Newell, Schwartz, Steadman, Tochtrop, Williams S.

AN ACT**CONCERNING CRUELTY TO SERVICE ANIMALS.**

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

SECTION 1. The introductory portion to 18-9-201 and 18-9-201 (2), Colorado Revised Statutes, are amended to read:

18-9-201. Definitions. As used in THIS SECTION AND sections 18-9-201.5, 18-9-202, 18-9-202.5, and 18-9-204.5, unless the context otherwise requires:

(2) "Animal" means any living dumb creature, INCLUDING A SERVICE ANIMAL AS DEFINED IN SECTION 18-1.3-602 (3.5).

SECTION 2. 18-9-202 (1.5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-9-202. Cruelty to animals - aggravated cruelty to animals - cruelty to a service animal - restitution. (1.5) (c) A PERSON COMMITS CRUELTY TO A SERVICE ANIMAL IF HE OR SHE VIOLATES THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION WITH RESPECT TO A SERVICE ANIMAL AS DEFINED IN SECTION 18-1.3-602 (3.5), WHETHER THE SERVICE ANIMAL IS ON DUTY OR NOT ON DUTY.

SECTION 3. 18-9-202 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-9-202. Cruelty to animals - aggravated cruelty to animals - cruelty to a service animal - restitution. (2) (d) IF A PERSON IS CONVICTED OF CRUELTY TO A

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

SERVICE ANIMAL PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS SECTION, HE OR SHE SHALL BE ORDERED TO MAKE RESTITUTION TO THE AGENCY OR INDIVIDUAL OWNING THE ANIMAL FOR ANY VETERINARY BILLS AND REPLACEMENT COSTS OF THE ANIMAL IF IT IS DISABLED OR KILLED AS A RESULT OF THE CRUELTY TO ANIMALS INCIDENT.

SECTION 4. Act subject to petition - effective date. This act shall take 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 10, 2011, if adjournment sine die is on May 11, 2011); 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 shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 30, 2011