

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

\_\_\_\_\_  
January 30, 2024  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB24-1074 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 11, after "(1.5)," insert "(1.8)," and strike  
2 "and (2)(d)(II)" and substitute "(2)(d)(II), and (2.5)".

3 Page 2, line 13, strike "**short title.**" and substitute "**short title -  
4 definition.**".

5 Page 2, strike lines 21 through 26 and substitute:

6 "(II) KNOWINGLY KILLS OR CAUSES SERIOUS BODILY INJURY THAT  
7 RESULTS IN THE DEATH OF A LAW ENFORCEMENT ANIMAL, WHETHER THE  
8 LAW ENFORCEMENT ANIMAL IS ON DUTY OR NOT ON DUTY. FOR THE  
9 PURPOSES OF THIS SUBSECTION (1.5)(b)(II), "SERIOUS BODILY INJURY"  
10 MEANS BODILY INJURY THAT INVOLVES A SUBSTANTIAL RISK OF DEATH; A  
11 SUBSTANTIAL RISK OF PERMANENT DISFIGUREMENT; A SUBSTANTIAL RISK  
12 OF LOSS OR IMPAIRMENT OF THE FUNCTION OF ANY PART OR ORGAN OF THE  
13 BODY; BREAKS; FRACTURES; A PENETRATING WOUND FROM A KNIFE OR A  
14 PENETRATING GUNSHOT WOUND; OR BURNS OF THE SECOND OR THIRD  
15 DEGREE."

16 Page 3, after line 8 insert:

17 "(1.8) (a) A peace officer having authority to act ~~under~~ PURSUANT  
18 TO this section may take possession of and impound an animal that the  
19 peace officer has probable cause to believe is a victim of a violation of  
20 subsection (1) or (1.5) of this section or is a victim of a violation of  
21 section 18-9-204 and as a result of the violation is endangered if it  
22 remains with the owner or custodian. If, in the opinion of a licensed  
23 veterinarian, an animal impounded pursuant to this subsection (1.8) is

1 experiencing extreme pain or suffering, or is severely injured past  
2 recovery, severely disabled past recovery, or severely diseased past  
3 recovery, the animal may be euthanized without a court order.

4 (b) (I) A LICENSED VETERINARIAN IS IMMUNE FROM CRIMINAL  
5 LIABILITY AND IS NOT IN VIOLATION OF THE PROVISIONS OF SECTION  
6 (1.5)(b)(II) OF THIS SECTION IF:

7 (A) THE LICENSED VETERINARIAN PROVIDES VETERINARY  
8 TREATMENT FOR AN INJURED LAW ENFORCEMENT ANIMAL; OR

9 (B) THE LICENSED VETERINARIAN EUTHANIZES THE LAW  
10 ENFORCEMENT ANIMAL AFTER DETERMINING THAT THE LAW  
11 ENFORCEMENT ANIMAL, DUE TO A CRITICAL INJURY, IS EXPERIENCING  
12 EXTREME PAIN OR SUFFERING, OR IS SEVERELY INJURED PAST RECOVERY,  
13 SEVERELY DISABLED PAST RECOVERY, OR SEVERELY DISEASED PAST  
14 RECOVERY.

15 (II) A PERSON WHO OWNS OR WHO IS CHARGED WITH THE CARE OF  
16 A LAW ENFORCEMENT ANIMAL IS IMMUNE FROM CRIMINAL LIABILITY AND  
17 IS NOT IN VIOLATION OF THE PROVISIONS OF SECTION (1.5)(b)(II) OF THIS  
18 SECTION IF SUCH PERSON IS ABLE TO REASONABLY DETERMINE THAT THE  
19 LAW ENFORCEMENT ANIMAL, DUE TO A CRITICAL INJURY, IS EXPERIENCING  
20 EXTREME PAIN OR SUFFERING, OR IS SEVERELY INJURED PAST RECOVERY."

21 Page 4, after line 21 insert:

22 "(2.5) (a) It ~~shall be~~ IS an affirmative defense to a charge brought  
23 ~~under~~ PURSUANT TO this section involving injury or death to a dog that the  
24 dog was found running, worrying, or injuring sheep, cattle, or other  
25 livestock.

26 (b) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE BROUGHT  
27 PURSUANT TO THIS SECTION THAT INVOLVES INJURY OR DEATH TO A LAW  
28 ENFORCEMENT ANIMAL THAT A PERSON WOULD REASONABLY BELIEVE  
29 THAT THE USE OF THE LAW ENFORCEMENT ANIMAL WAS AN APPLICATION  
30 OF UNREASONABLE OR EXCESSIVE FORCE IN VIOLATION OF SECTION  
31 18-1-707 AND THEREFORE JUSTIFIED AN ACTION OF SELF-DEFENSE BY THE  
32 PERSON.

33 **SECTION 3.** In Colorado Revised Statutes, 18-8-802, **amend**  
34 (1)(a) and (1.5)(a) as follows:

35 **18-8-802. Duty of a peace officer to report use of force by**  
36 **peace officers or law enforcement animals - duty to intervene.**

37 (1) (a) A peace officer who, in pursuance of such officer's law  
38 enforcement duties, witnesses another peace officer, INCLUDING A PEACE  
39 OFFICER WHO IS THE HANDLER OF A LAW ENFORCEMENT ANIMAL, in  
40 pursuance of such other peace officer's law enforcement duties in

1 carrying out an arrest of any person, placing any person under detention,  
2 taking any person into custody, booking any person, or in the process of  
3 crowd control or riot control, use physical force OR ALLOW THE PEACE  
4 OFFICER'S LAW ENFORCEMENT ANIMAL TO USE PHYSICAL FORCE which  
5 exceeds the degree of physical force permitted pursuant to section  
6 18-1-707 must report such use of force to such officer's OR HANDLER'S  
7 immediate supervisor.

8 (1.5) (a) A peace officer, as defined in section 24-31-901 (3), who  
9 is on-duty shall intervene to prevent or stop another peace officer,  
10 INCLUDING A PEACE OFFICER WHO IS THE HANDLER OF A LAW  
11 ENFORCEMENT ANIMAL, from using physical force that exceeds the degree  
12 of force permitted, if any, by section 18-1-707 in pursuance of the other  
13 peace officer's law enforcement duties in carrying out an arrest of any  
14 person, placing any person under detention, taking any person into  
15 custody, booking any person, or in the process of crowd control or riot  
16 control, without regard for chain of command."

17 Renumber succeeding section accordingly.

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