

CHAPTER 236

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 16-1348

BY REPRESENTATIVE(S) Ryden, Court, Ginal, Hamner, Lontine, Melton, Pettersen, Primavera, Rosenthal, Salazar, Williams, Young, Hullinghorst;
also SENATOR(S) Todd, Crowder, Kerr, Martinez Humenik, Newell.

AN ACT**CONCERNING A SPECIFIC CRIME OF CRUELTY TO A CERTIFIED POLICE WORKING DOG.**

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

SECTION 1. In Colorado Revised Statutes, 18-9-201, **amend** the introductory portion and (2); and **add** (2.3), (4.5), and (4.7) as follows:

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~~ PART 2, unless the context otherwise requires:

(2) "Animal" means any living dumb creature, including a CERTIFIED POLICE WORKING DOG AND A service animal as THOSE TERMS ARE defined, RESPECTIVELY, in SUBSECTIONS (2.3) AND (4.7) OF THIS section. ~~18-1.3-602 (3.5).~~

(2.3) "CERTIFIED POLICE WORKING DOG" MEANS A DOG THAT HAS CURRENT CERTIFICATION FROM A STATE OR NATIONAL AGENCY OR AN ASSOCIATION THAT CERTIFIES POLICE WORKING DOGS, AND THAT IS PART OF A WORKING LAW ENFORCEMENT TEAM.

(4.5) "SERIOUS PHYSICAL HARM", AS USED IN SECTION 18-9-202, MEANS ANY OF THE FOLLOWING:

- (a) ANY PHYSICAL HARM THAT CARRIES A SUBSTANTIAL RISK OF DEATH;
- (b) ANY PHYSICAL HARM THAT CAUSES PERMANENT MAIMING OR THAT INVOLVES SOME TEMPORARY, SUBSTANTIAL MAIMING; OR
- (c) ANY PHYSICAL HARM THAT CAUSES ACUTE PAIN OF A DURATION THAT

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

RESULTS IN SUBSTANTIAL SUFFERING.

(4.7) "SERVICE ANIMAL" MEANS ANY ANIMAL, THE SERVICES OF WHICH ARE USED TO AID THE PERFORMANCE OF OFFICIAL DUTIES BY A FIRE DEPARTMENT, FIRE PROTECTION DISTRICT, OR GOVERNMENTAL SEARCH AND RESCUE AGENCY. UNLESS OTHERWISE SPECIFIED, "SERVICE ANIMAL" DOES NOT INCLUDE A "CERTIFIED POLICE WORKING DOG" AS DEFINED IN SUBSECTION (2.3) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 18-9-202, **amend** (1.5) (c), (2) (a), (2) (a.5) (V), and (2) (d); and **repeal** (1.6) as follows:

18-9-202. Cruelty to animals - aggravated cruelty to animals - service animals. (1.5) (c) A person commits cruelty to a service animal OR A CERTIFIED POLICE WORKING DOG if he or she violates the provisions of subsection (1) of this section with respect to a service animal OR CERTIFIED POLICE WORKING DOG, as THOSE TERMS ARE defined in ~~section 18-1.3-602 (3.5)~~ SECTIONS 18-9-201 (2.3) AND 18-9-201 (4.7), whether the service animal OR CERTIFIED POLICE WORKING DOG is on duty or not on duty.

(1.6) ~~As used in this section, unless the context otherwise requires:~~

(a) ~~"Serious physical harm" means any of the following:~~

~~(I) Any physical harm that carries a substantial risk of death;~~

~~(II) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming; or~~

~~(III) Any physical harm that causes acute pain of a duration that results in substantial suffering.~~

(2) (a) Except as otherwise provided in paragraph (b) of this subsection (2), cruelty to animals, OR CRUELTY TO A SERVICE ANIMAL OR CERTIFIED POLICE WORKING DOG PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS SECTION, is a class 1 misdemeanor.

(a.5) (V) In addition to any other sentence imposed upon a person for a violation of any criminal law under this title, any person convicted of a second or subsequent conviction for any crime, the underlying factual basis of which has been found by the court to include an act of cruelty to animals ~~shall be~~, OR CRUELTY TO A SERVICE ANIMAL OR A CERTIFIED POLICE WORKING DOG PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS SECTION IS required to pay a mandatory minimum fine of one thousand dollars and ~~shall be~~ IS required to complete an anger management treatment program or any other appropriate treatment program.

(d) (I) If a person is convicted of cruelty to a service animal pursuant to paragraph (c) of subsection (1.5) of this section, ~~he or she shall be ordered~~ THE COURT SHALL ORDER HIM OR HER to make restitution to the agency or individual owning the SERVICE animal for any veterinary bills and replacement costs of the SERVICE animal if it is disabled or killed as a result of the cruelty to animals incident.

(II) IF A PERSON IS CONVICTED OF CRUELTY TO A CERTIFIED POLICE WORKING DOG PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS SECTION, THE COURT SHALL ORDER HIM OR HER TO MAKE RESTITUTION TO THE AGENCY OR INDIVIDUAL OWNING THE CERTIFIED POLICE WORKING DOG FOR ALL EXPENSES, INCLUDING ANY IMMEDIATE AND ONGOING VETERINARY EXPENSES RELATED TO THE INCIDENT, AND REPLACEMENT COSTS FOR THE CERTIFIED POLICE WORKING DOG IF IT IS PERMANENTLY DISABLED OR KILLED AS A RESULT OF THE CRUELTY TO ANIMALS INCIDENT. IF THE COURT FINDS THAT THE PERSON WHO IS CONVICTED OF CRUELTY TO A CERTIFIED POLICE WORKING DOG PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS SECTION DID SO WITH MALICIOUS INTENT, THE PERSON SHALL ADDITIONALLY MAKE RESTITUTION TO THE AGENCY OR INDIVIDUAL OWNING THE CERTIFIED WORKING DOG FOR ALL TRAINING AND CERTIFICATION COSTS RELATED TO THE CERTIFIED POLICE WORKING DOG.

SECTION 3. In Colorado Revised Statutes, 18-9-209, **amend** (1) as follows:

18-9-209. Immunity for reporting cruelty to animals - 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 TO ANIMALS, SERVICE ANIMALS, OR CERTIFIED POLICE WORKING DOGS, as described in section 18-9-202, to a local law enforcement agency or to the state bureau of animal protection ~~shall~~ **be** is immune from civil liability for reporting the incident.

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: June 6, 2016