

CHAPTER 19

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 18-1041

BY REPRESENTATIVE(S) Catlin, Arndt, Becker J., Becker K., Beckman, Benavidez, Bridges, Buck, Buckner, Carver, Coleman, Covarrubias, Danielson, Esgar, Everett, Exum, Foote, Garnett, Ginal, Gray, Hamner, Hansen, Herod, Hooton, Humphrey, Jackson, Kennedy, Kraft-Tharp, Landgraf, Lawrence, Lebsock, Lee, Liston, Lontine, Lundeen, McKean, McLachlan, Melton, Michaelson Jenet, Neville P., Pabon, Pettersen, Rankin, Ransom, Reyher, Roberts, Rosenthal, Saine, Salazar, Sandridge, Sias, Singer, Thurlow, Valdez, Van Winkle, Weissman, Willett, Williams D., Wilson, Winter, Wist, Young, Duran; also SENATOR(S) Coram, Court, Donovan, Jahn, Kefalas, Lambert, Lundberg, Martinez Humenik, Merrifield, Priola, Sonnenberg.

AN ACT**CONCERNING ADDING CERTIFIED POLICE WORKING HORSES TO THE CRIME OF CRUELTY TO A SERVICE ANIMAL OR 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** (2) and (4.7); and **add** (2.4) as follows:

18-9-201. Definitions. As used in this part 2, unless the context otherwise requires:

(2) "Animal" means any living dumb creature, including a certified police working dog, A CERTIFIED POLICE WORKING HORSE, and a service animal as those terms are defined, respectively, in ~~subsections (2.3) and (4.7)~~ SUBSECTIONS (2.3), (2.4), AND (4.7) of this section.

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

(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" OR A "CERTIFIED POLICE

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

WORKING HORSE" as defined in ~~subsection (2.3)~~ SUBSECTIONS (2.3) AND (2.4) 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)(II) as follows:

18-9-202. Cruelty to animals - aggravated cruelty to animals - service animals - certified police working dogs and horses. (1.5) (c) A person commits cruelty to a service animal or a certified police working dog OR CERTIFIED POLICE WORKING HORSE if he or she violates the provisions of subsection (1) of this section with respect to a service animal, ~~or certified police working dog, OR CERTIFIED POLICE WORKING HORSE~~, as those terms are defined in ~~sections 18-9-201 (2.3) and 18-9-201 (4.7)~~ SECTION 18-9-201 (2.3), (2.4), AND (4.7), whether the service animal, ~~or certified police working dog, OR CERTIFIED POLICE WORKING HORSE~~ is on duty or not on duty.

(2) (a) Except as otherwise provided in ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, cruelty to animals, or cruelty to a service animal or certified police working dog OR CERTIFIED POLICE WORKING HORSE pursuant to ~~paragraph (c) of subsection (1.5)~~ SUBSECTION (1.5)(c) 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~~ TITLE 18, 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, or cruelty to a service animal or a certified police working dog OR CERTIFIED POLICE WORKING HORSE pursuant to ~~paragraph (c) of subsection (1.5)~~ SUBSECTION (1.5)(c) of this section, is required to pay a mandatory minimum fine of one thousand dollars and is required to complete an anger management treatment program or any other appropriate treatment program.

(d) (II) If a person is convicted of cruelty to a certified police working dog OR CERTIFIED POLICE WORKING HORSE pursuant to ~~paragraph (c) of subsection (1.5)~~ SUBSECTION (1.5)(c) of this section, the court shall order him or her to make restitution to the agency or individual owning the certified police working dog OR CERTIFIED POLICE WORKING HORSE for all expenses, including any immediate and ongoing veterinary expenses related to the incident, and replacement costs for the certified police working dog OR CERTIFIED POLICE WORKING HORSE 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 OR CERTIFIED POLICE WORKING HORSE pursuant to ~~paragraph (c) of subsection (1.5)~~ SUBSECTION (1.5)(c) of this section did so with malicious intent, the person shall additionally make restitution to the agency or individual owning the certified POLICE working dog OR CERTIFIED POLICE WORKING HORSE for all training and certification costs related to the certified police working dog OR CERTIFIED POLICE WORKING HORSE.

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 cruelty to animals, service animals, or certified police working dogs OR CERTIFIED POLICE WORKING HORSES, as described in section 18-9-202, to a local law enforcement agency or to the state bureau of animal protection 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: March 7, 2018