

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0612.01 Michael Dohr x4347

HOUSE BILL 19-1092

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A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON FUTURE OWNERSHIP OF AN ANIMAL**
102 **FOR PERSONS CONVICTED OF ANIMAL CRUELTY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a court to enter an order prohibiting a person convicted of misdemeanor animal cruelty from owning an animal of any kind for 5 years, a person convicted of felony animal cruelty from owning an animal of any kind for 10 years, and a juvenile adjudicated a delinquent for an animal cruelty crime from owning an animal of any kind for 5 years.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 11, 2019

HOUSE
3rd Reading Unamended
March 12, 2019

HOUSE
Amended 2nd Reading
March 11, 2019

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-202, **amend**
3 **(2)(a.5)(II), (2)(a.5)(III), and (2)(a.5)(IV); and add (2)(a.5)(V.5) and (4)**
4 **as follows:**

5 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
6 **- service animals - short title.** (2) (a.5) (II) In addition to any other
7 sentence imposed for a violation of this section, the court may order an
8 offender to complete an anger management treatment program, A MENTAL
9 HEALTH TREATMENT PROGRAM, or any other appropriate treatment
10 program DESIGNED TO ADDRESS THE UNDERLYING CAUSATIVE FACTORS
11 FOR THE VIOLATION.

12 (III) The court shall order an evaluation to be conducted prior to
13 sentencing to assist the court in determining an appropriate sentence. IF
14 THE VIOLATION IS A FELONY OFFENSE IN VIOLATION OF SUBSECTION (1.5)
15 OF THIS SECTION, A FELONY OFFENSE IN VIOLATION OF SUBSECTION
16 (2)(b)(II) OF THIS SECTION, OR ANY OTHER VIOLATION OF THIS SECTION
17 DEMONSTRATING KNOWING TORTURE OR TORMENT OF AN ANIMAL THAT
18 NEEDLESSLY INJURED, MUTILATED, OR KILLED THE ANIMAL, THE COURT
19 SHALL REQUIRE A COMPREHENSIVE EVALUATION TO HELP DETERMINE THE
20 CAUSATIVE FACTORS. The person ordered to undergo an evaluation shall
21 be required to pay the cost of the evaluation, unless the person qualifies
22 for a public defender, then the cost will be paid by the judicial district. If
23 the evaluation results in a recommendation of treatment and if the court
24 so finds, the person ~~shall~~ MUST be ordered to complete, AS A CONDITION
25 OF ANY SENTENCE TO PROBATION OR A DEFERRED JUDGMENT OR
26 SENTENCE, an anger management treatment program, A MENTAL HEALTH

1 TREATMENT PROGRAM, or any other APPROPRIATE treatment program that
2 the court may deem appropriate DESIGNED TO ADDRESS THE UNDERLYING
3 CAUSATIVE FACTORS FOR THE VIOLATION.

4 (IV) Upon successful completion of an anger management
5 treatment program, A MENTAL HEALTH TREATMENT PROGRAM, or any
6 other APPROPRIATE treatment program, deemed appropriate by the court,
7 the court may suspend any fine imposed; except for a five-hundred-dollar
8 mandatory minimum fine which shall be imposed at the time of
9 sentencing.

10 (V.5) IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR A
11 FELONY CONVICTION PURSUANT TO THIS SECTION, THE COURT SHALL
12 ENTER AN ORDER PROHIBITING THE DEFENDANT FROM OWNING,
13 POSSESSING, OR CARING FOR A PET ANIMAL AS DEFINED IN SECTION
14 35-80-102 (10) AS A CONDITION OF THE SENTENCE FOR A PERIOD OF THREE
15 TO FIVE YEARS, UNLESS THE DEFENDANT'S TREATMENT PROVIDER MAKES
16 A SPECIFIC RECOMMENDATION NOT TO IMPOSE THE BAN AND THE COURT
17 AGREES WITH THE RECOMMENDATION.

18 (4) THE SHORT TITLE OF THIS SECTION IS "PUNKY'S LAW".

19 **SECTION 2.** In Colorado Revised Statutes, 19-2-918.5, **amend**
20 (1), (2), and (3); and **add** (3.5) as follows:

21 **19-2-918.5. Sentencing - animal cruelty - anger management**
22 **treatment.** (1) In addition to any sentence imposed pursuant to this
23 section, any juvenile who has been adjudicated a juvenile delinquent for
24 the commission of cruelty to animals, as described in section 18-9-202,
25 ~~(1)(a), C.R.S.~~, in which the underlining UNDERLYING factual basis of
26 which has been found by the court to include the knowing ~~or intentional~~
27 torture or torment of an animal ~~which~~ THAT needlessly injures, mutilates,

1 ~~or kills~~ INJURED, MUTILATED, OR KILLED an animal, may be ordered to
2 complete an anger management treatment program, A MENTAL HEALTH
3 TREATMENT PROGRAM, or any other APPROPRIATE treatment program
4 ~~deemed appropriate by the court~~ DESIGNED TO ADDRESS THE UNDERLYING
5 CAUSATIVE FACTORS FOR THE VIOLATION.

6 (2) The court may order an evaluation to be conducted prior to
7 disposition if an evaluation would assist the court in determining an
8 appropriate disposition. The parents or legal guardian of the juvenile
9 ordered to undergo an evaluation shall be required to pay the cost of the
10 evaluation. If the evaluation results in a recommendation of treatment and
11 if the court so finds, the juvenile ~~shall~~ MUST be ordered to complete an
12 anger management treatment program, A MENTAL HEALTH TREATMENT
13 PROGRAM, or any other APPROPRIATE treatment program ~~deemed~~
14 ~~appropriate by the court~~ DESIGNED TO ADDRESS THE UNDERLYING
15 CAUSATIVE FACTORS FOR THE VIOLATION.

16 (3) The disposition for any juvenile who has been adjudicated a
17 juvenile delinquent a second or subsequent time, the underlying factual
18 basis of which has been found by the court to include an act of cruelty to
19 animals, as described in section 18-9-202, ~~(1)(a), C.R.S., shall~~ MUST
20 include the completion of an anger management treatment program, A
21 MENTAL HEALTH TREATMENT PROGRAM, or any other APPROPRIATE
22 treatment program ~~deemed appropriate by the court~~ DESIGNED TO
23 ADDRESS THE UNDERLYING CAUSATIVE FACTORS FOR THE VIOLATION.

24 (3.5) IN ADDITION TO ANY SENTENCE IMPOSED PURSUANT TO THIS
25 SECTION FOR ANY JUVENILE WHO HAS BEEN ADJUDICATED A JUVENILE
26 DELINQUENT FOR THE COMMISSION OF CRUELTY TO ANIMALS, AS
27 DESCRIBED IN SECTION 18-9-202, THE COURT MAY ENTER AN ORDER

1 PROHIBITING THE JUVENILE OR OTHER PARTY FROM OWNING, POSSESSING,
2 OR CARING FOR A PET ANIMAL AS DEFINED IN SECTION 35-80-102 (10),
3 UNLESS THE JUVENILE'S TREATMENT PROVIDER MAKES A SPECIFIC
4 RECOMMENDATION NOT TO IMPOSE THE BAN AND THE COURT AGREES WITH
5 THE RECOMMENDATION.

6 **SECTION 3. Act subject to petition - effective date -**
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
8 the expiration of the ninety-day period after final adjournment of the
9 general assembly (August 2, 2019, if adjournment sine die is on May 3,
10 2019); except that, if a referendum petition is filed pursuant to section 1
11 (3) of article V of the state constitution against this act or an item, section,
12 or part of this act within such period, then the act, item, section, or part
13 will not take effect unless approved by the people at the general election
14 to be held in November 2020 and, in such case, will take effect on the
15 date of the official declaration of the vote thereon by the governor.

16 (2) This act applies to offenses committed on or after the
17 applicable effective date of this act.