

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

INTRODUCED

LLS NO. 19-0854.01 Shelby Ross x4510

HOUSE BILL 19-1180

HOUSE SPONSORSHIP

Geitner,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CLARIFICATION OF THE DEFINITION OF A POLICE**
102 **WORKING HORSE FOR THE PURPOSE OF CRUELTY TO ANIMALS.**

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>.)

Current law prohibits cruelty to certain animals, including a certified police working horse. However, there is no certification process for police working horses. The bill clarifies this by removing the term "certified" from the definition of police working horse and revises the definition accordingly.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-201, **amend** (2),
3 (2.4), and (4.7) as follows:

4 **18-9-201. Definitions.** As used in this part 2, unless the context
5 otherwise requires:

6 (2) "Animal" means any living dumb creature, including a
7 certified police working dog, a ~~certified~~ police working horse, and a
8 service animal as those terms are defined, respectively, in subsections
9 (2.3), (2.4), and (4.7) of this section.

10 (2.4) ~~"Certified police~~ "POLICE working horse" means a horse that
11 ~~has current certification from a state or national agency or an association~~
12 ~~that certifies police working horses, and that is part of~~ IS CURRENTLY
13 WORKING FULL TIME OR PART TIME AS PART OF a working law enforcement
14 team.

15 (4.7) "Service animal" means any animal, the services of which
16 are used to aid the performance of official duties by a fire department, fire
17 protection district, or governmental search and rescue agency. Unless
18 otherwise specified, "service animal" does not include a "certified police
19 working dog" or a ~~"certified police~~ "POLICE working horse" as defined in
20 subsections (2.3) and (2.4) of this section.

21 **SECTION 2.** In Colorado Revised Statutes, 18-9-202, **amend**
22 (1.5)(c), (2)(a), (2)(a.5)(V), and (2)(d)(II) as follows:

23 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
24 **- service animals.** (1.5) (c) A person commits cruelty to a service animal
25 or a certified police working dog or ~~certified~~ police working horse if he
26 or she violates the provisions of subsection (1) of this section with respect

1 to a service animal, certified police working dog, or ~~certified~~ police
2 working horse, as those terms are defined in section 18-9-201 (2.3), (2.4),
3 and (4.7), whether the service animal, certified police working dog, or
4 ~~certified~~ police working horse is on duty or not on duty.

5 (2) (a) Except as otherwise provided in subsection (2)(b) of this
6 section, cruelty to animals, or cruelty to a service animal or certified
7 police working dog or ~~certified~~ police working horse pursuant to
8 subsection (1.5)(c) of this section, is a class 1 misdemeanor.

9 (a.5) (V) In addition to any other sentence imposed upon a person
10 for a violation of any criminal law under this title 18, any person
11 convicted of a second or subsequent conviction for any crime, the
12 underlying factual basis of which has been found by the court to include
13 an act of cruelty to animals, or cruelty to a service animal or a certified
14 police working dog or ~~certified~~ police working horse pursuant to
15 subsection (1.5)(c) of this section, is required to pay a mandatory
16 minimum fine of one thousand dollars and is required to complete an
17 anger management treatment program or any other appropriate treatment
18 program.

19 (d) (II) If a person is convicted of cruelty to a certified police
20 working dog or ~~certified~~ police working horse pursuant to subsection
21 (1.5)(c) of this section, the court shall order him or her to make restitution
22 to the agency or individual owning the certified police working dog or
23 ~~certified~~ police working horse for all expenses, including any immediate
24 and ongoing veterinary expenses related to the incident, and replacement
25 costs for the certified police working dog or ~~certified~~ police working
26 horse if it is permanently disabled or killed as a result of the cruelty to
27 animals incident. If the court finds that the person who is convicted of

1 cruelty to a certified police working dog or ~~certified~~ police working horse
2 pursuant to subsection (1.5)(c) of this section did so with malicious intent,
3 the person shall additionally make restitution to the agency or individual
4 owning the certified police working dog or ~~certified~~ police working horse
5 for all training and certification costs related to the certified police
6 working dog or ~~certified~~ police working horse.

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

9 **18-9-209. Immunity for reporting cruelty to animals - false**
10 **report - penalty.** (1) Except as otherwise provided in subsection (2) of
11 this section, a person who, in good faith, reports a suspected incident of
12 cruelty to animals, service animals, or certified police working dogs or
13 ~~certified~~ police working horses, as described in section 18-9-202, to a
14 local law enforcement agency or to the state bureau of animal protection
15 is immune from civil liability for reporting the incident.

16 **SECTION 4. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.