



Legislative  
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*Nonpartisan Services for Colorado's Legislature*

**HB 19-1092**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated January 30, 2019)

**Drafting Number:** LLS 19-0612  
**Prime Sponsors:** Rep. Valdez A.  
Sen. Ginal

**Date:** April 5, 2019  
**Bill Status:** Senate Judiciary  
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**Bill Topic:** ANIMAL BAN FOR CRUELTY TO ANIMALS CONVICTION

**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill prohibits persons convicted of animal cruelty from future ownership of a pet animal. It minimally increases state workload on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The fiscal note reflects the introduced bill.

**Summary of Legislation**

This bill prohibits a person convicted of felony animal cruelty from owning a pet animal for 3 to 5 years, unless the defendant's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation. In addition, any juvenile who has been adjudicated of cruelty to animals may be prohibited from owning, possessing, or caring for a pet animal. Finally, this bill creates the option for a court to order a an offender convicted of animal cruelty to complete a mental health treatment program as part of the sentence imposed.

**Background**

Between 2016-2018, 365 offenders have been convicted and sentenced for the offense of cruelty to animals, including 258 for misdemeanor animal cruelty and 107 for felony animal cruelty. Of the felony convictions, 83 were male and 24 were female. Demographically, 86 were White, 7 were classified as "Other", 6 were African American, 5 were Hispanic, 2 were Native American, and 1 was Asian.

**State Expenditures**

This bill minimally increases workload in the Judicial Department and agencies that provide representation to indigent persons beginning in FY 2019-20.

**Judicial Department.** This bill will increase workload for the trial courts in the Judicial Department to consider if mental health treatment should be ordered as part of a sentence imposed or prior to sentencing in certain circumstances. Workload will also increase if an individual violates the court order and has to be sent back to court. This fiscal note assumes a high level of compliance with the court order. Costs and workload may also increase in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Council. In addition, probation workload will increase to ensure an offender does not violate the court order by owning an animal. Overall, it is assumed that this increase in workload can be accomplished within existing appropriations. Should a change in funding be required for any agency or division with the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

### **Local Government**

Beginning in FY 2019-20, this bill will minimally increase local government workload as described below.

**Denver County Court.** This bill will increase workload for the Denver County Court, which is managed and funded by the City and County of Denver, to consider if mental health treatment should be ordered as part of a sentence imposed or prior to sentencing in certain circumstances.

### **Effective Date**

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed. This bill applies to offenses committed on or after this date.

### **State and Local Government Contacts**

Counties	District Attorneys	Human Services
Information Technology	Judicial	Local Affairs
Municipalities	Sheriffs	