

CHAPTER 137

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 19-1092

BY REPRESENTATIVE(S) Valdez A., Caraveo, Duran, Galindo, Mullica, Singer, Sullivan, Bird, Cutter, Exum, Froelich, Hooton, Jackson, Jaquez Lewis, Kipp, McLachlan, Melton, Sirota, Snyder, Tipper, Titone, Arndt, Benavidez, Buentello, Esgar, Gonzales-Gutierrez, Kennedy, Michaelson Jenet, Sandridge;
also SENATOR(S) Ginal, Bridges, Court, Moreno.

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

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

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

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

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

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

DEFERRED JUDGMENT OR SENTENCE, an anger management treatment program, A MENTAL HEALTH TREATMENT PROGRAM, or any other APPROPRIATE treatment program ~~that the court may deem appropriate~~ DESIGNED TO ADDRESS THE UNDERLYING CAUSATIVE FACTORS FOR THE VIOLATION.

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

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

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

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

19-2-918.5. Sentencing - animal cruelty - anger management treatment.

(1) In addition to any sentence imposed pursuant to this section, any juvenile who has been adjudicated a juvenile delinquent for the commission of cruelty to animals, as described in section 18-9-202, ~~(1)(a), C.R.S.~~, in which the ~~underlining~~ UNDERLYING factual basis of which has been found by the court to include the knowing ~~or intentional~~ torture or torment of an animal ~~which~~ THAT needlessly ~~injures, mutilates, or kills~~ INJURED, MUTILATED, OR KILLED an animal, may be ordered to complete an anger management treatment program, A MENTAL HEALTH TREATMENT PROGRAM, or any other APPROPRIATE treatment program ~~deemed appropriate by the court~~ DESIGNED TO ADDRESS THE UNDERLYING CAUSATIVE FACTORS FOR THE VIOLATION.

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

(3) The disposition for any juvenile who has been adjudicated a juvenile delinquent a second or subsequent time, the underlying factual basis of which has been found by the court to include an act of cruelty to animals, as described in section 18-9-202, ~~(1)(a), C.R.S.~~, ~~shall~~ MUST include the completion of an anger management treatment program, A MENTAL HEALTH TREATMENT PROGRAM, or any

other APPROPRIATE treatment program ~~deemed appropriate by the court~~ DESIGNED TO ADDRESS THE UNDERLYING CAUSATIVE FACTORS FOR THE VIOLATION.

(3.5) IN ADDITION TO ANY SENTENCE IMPOSED PURSUANT TO THIS SECTION FOR ANY JUVENILE WHO HAS BEEN ADJUDICATED A JUVENILE DELINQUENT FOR THE COMMISSION OF CRUELTY TO ANIMALS, AS DESCRIBED IN SECTION 18-9-202, THE COURT MAY ENTER AN ORDER PROHIBITING THE JUVENILE OR OTHER PARTY FROM OWNING, POSSESSING, OR CARING FOR A PET ANIMAL AS DEFINED IN SECTION 35-80-102 (10), UNLESS THE JUVENILE'S TREATMENT PROVIDER MAKES A SPECIFIC RECOMMENDATION NOT TO IMPOSE THE BAN AND THE COURT AGREES WITH THE RECOMMENDATION.

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

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

Approved: May 1, 2019