

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

ENGROSSED

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

LLS NO. 20-0741.01 Jane Ritter x4342

SENATE BILL 20-104

SENATE SPONSORSHIP

Cooke, Fields

HOUSE SPONSORSHIP

Roberts,

Senate Committees

Local Government
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING POWERS OF BUREAU OF ANIMAL PROTECTION AGENTS,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 grants additional duties and powers to bureau of animal protection agents (agent), including the authority to conduct investigations; to take possession of and impound any animal that the agent has probable cause to believe is a victim of cruelty to animals; and to take possession of and impound a dog if the agent has probable cause to believe the dog is a dangerous dog.

*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
March 10, 2020

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The protection of companion animals from cruelty and neglect
5 is of utmost importance to the citizens of Colorado;

6 (b) The general assembly has confirmed this value by enacting
7 some of the most robust and comprehensive animal protection laws in the
8 country, including the creation of the bureau of animal protection;

9 (c) Bureau of animal protection agents are often the first line of
10 defense in investigating allegations of animal cruelty and neglect in
11 Colorado;

12 (d) Bureau of animal protection agents are highly trained officers
13 who are skilled in responding to suspected cases of animal cruelty and
14 neglect; and

15 (e) Many law enforcement agencies in the state rely on the
16 expertise of bureau of animal protection agents to assist in inspecting and
17 handling animal cruelty and neglect inquiries; however, because the
18 statutory authority granted to the bureau of animal protection agents is
19 unclear, not all cases of animal cruelty and neglect are being fully
20 investigated.

21 (2) Therefore, the general assembly declares it is a necessary and
22 important part of protecting companion animals to clarify the statutory
23 investigative and impounding authority of bureau of animal protection
24 agents to ensure that these agents can fully execute their duty to protect
25 Colorado companion animals from cruelty and neglect.

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SECTION 2. In Colorado Revised Statutes, 35-42-107, **amend**
(2) and (4) as follows:

35-42-107. Bureau personnel - appointment. (2) The
commissioner may appoint agents who are employees of the state,
COLORADO-BASED nonprofit corporations, municipal corporations,
counties, cities, cities and counties, or any other local governmental entity
or political subdivision of the state.

(4) Agents of the bureau who have completed training as specified
by the commissioner are vested with the power to CONDUCT
INVESTIGATIONS AND issue summons and complaints to enforce the
provisions of part 2 of article 9 of title 18 ~~C.R.S.~~, and article 80 of this
~~title~~, TITLE 35 as granted peace officers ~~under~~ PURSUANT TO section
16-2-104, ~~C.R.S.~~, and ~~shall be~~ ARE designated as peace officers, as
described in sections 16-2.5-101 and 16-2.5-118. ~~C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 18-9-202, **amend**
(1.8) as follows:

18-9-202. Cruelty to animals - aggravated cruelty to animals
- service animals - short title. (1.8) A peace officer OR BUREAU OF
ANIMAL PROTECTION AGENT, AS DESCRIBED IN SECTION 35-42-107, having
authority to act ~~under~~ PURSUANT TO this section may take possession of
and impound an animal that the peace officer OR BUREAU OF ANIMAL
PROTECTION AGENT has probable cause to believe is a victim of a
violation of subsection (1) or (1.5) of this section or is a victim of a
violation of section 18-9-204 and as a result of the violation is
endangered if it remains with the owner or custodian. If, in the opinion of
a licensed veterinarian, an animal impounded pursuant to this subsection

1 (1.8) is experiencing extreme pain or suffering, or is severely injured past
2 recovery, severely disabled past recovery, or severely diseased past
3 recovery, the animal may be euthanized without a court order.

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5 SECTION 4. Appropriation. For the 2020-21 state fiscal year,
6 \$13,218 is appropriated to the department of agriculture for use by the
7 animal industry division. This appropriation is from the general fund. To
8 implement this act, the department may use this appropriation for
9 contractor engagement.

10 SECTION 5. Act subject to petition - effective date. This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2020 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.