



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Fiscal Note

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<b>Drafting Number:</b>	LLS 23-0958	<b>Date:</b>	April 10, 2023
<b>Prime Sponsors:</b>	Rep. Armagost; Duran	<b>Bill Status:</b>	House Judiciary
		<b>Fiscal Analyst:</b>	Clayton Mayfield   303-866-5851 clayton.mayfield@coleg.gov

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**Bill Topic:** INCREASE PENALTY CRUELTY POLICE & SERVICE ANIMALS

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**Summary of Fiscal Impact:**

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

The bill creates the new crime of aggravated cruelty to service or law enforcement animals, and modifies existing crimes of cruelty to service or law enforcement animals and animals generally. Starting in FY 2023-24, the bill may minimally increase state and local revenue and expenditures on an ongoing basis.

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

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

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## Summary of Legislation

The bill creates the new crime of aggravated cruelty to a service animal, certified police working dog, or police working horse if a person recklessly, knowingly, or with criminal negligence tortures, needlessly mutilates, or needlessly kills the animal. The penalty for a first offense is a class 5 felony, and subsequent offenses are a class 4 felony. Subsequent offenses also incur a mandatory minimum fine of \$2,000 and offenders must complete an appropriate treatment program. Courts must order offenders to make restitution to victims.

Additionally, the bill modifies elements of the existing crime of cruelty to a service animal, certified police working dog, or police working horse by changing the penalty from a class 1 misdemeanor to a class 6 felony for a first offense and a class 5 felony for subsequent offenses. Subsequent offenses also incur a mandatory minimum fine of \$2,000 and offenders must complete an appropriate treatment program. Courts must order offenders to make restitution to victims.

Finally, the bill adds a mandatory minimum fine of \$1,000 and a requirement to complete appropriate treatment programs for subsequent convictions of cruelty to animals.

## Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. Using Judicial Department data, the following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

**Prior conviction data.** This bill creates the new offense of aggravated cruelty to a service animal, certified police working dog, or police working horse, a class 5 felony. The bill also modifies the existing offense of cruelty to a service animal, certified police working dog, or police working horse by making the penalty a class 6 felony. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of cruelty to a service animal, certified police working dog, or police working horse as a comparable crime. From FY 2019-20 to FY 2021-22, nine offenders have been sentenced and convicted for this existing offense. All persons convicted were male. Demographically, six were White, two were Black/African American, and one did not have a race identified.

**Assumptions.** Based on this data, this fiscal note assumes the bill will have a minimal impact to the criminal justice system. In addition, data from the Department of Corrections indicates that on average two individuals are sentenced to the DOC per year for a second or subsequent offense of cruelty to animals. It is unknown if these offenses involved a service animal but the fiscal note assumes that instances of abuse to service animals are minimal. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

## Local Government

Similar to the state, it is expected that any workload or cost decreases for district attorneys to prosecute fewer offenses, or for county jails to imprison fewer individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

**State and Local Government Contacts**

Corrections

District Attorneys

Judicial