

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

ENGROSSED

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

LLS NO. 24-0213.01 Jane Ritter x4342

HOUSE BILL 24-1074

HOUSE SPONSORSHIP

Armagost and Duran,

SENATE SPONSORSHIP

Ginal and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING SPECIFICATIONS FOR THE OFFENSE OF AGGRAVATED**
102 **CRUELTY TO A LAW ENFORCEMENT ANIMAL.**

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>.)

Under current law, aggravated cruelty to animals is a class 4 felony. The bill specifies that a person commits the offense of aggravated cruelty to animals if the person knowingly or recklessly kills or causes serious physical harm resulting in the death of a law enforcement animal or causes serious physical harm to a degree that the law enforcement animal must be decommissioned from active duty for at least 3 months.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

HOUSE
Amended 2nd Reading
February 9, 2024

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-201, **add** (2.8)
3 as follows:

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

6 (2.8) "LAW ENFORCEMENT ANIMAL" MEANS A CERTIFIED WORKING
7 DOG OR A POLICE WORKING HORSE. ■

8 **SECTION 2.** In Colorado Revised Statutes, 18-9-202, **amend**
9 (1.5), (1.8), (2)(a), (2)(a.5)(V)(B), (2)(c), (2)(d)(II), and (2.5) as follows:

10 **18-9-202. Cruelty and aggravated cruelty to animals, service**
11 **animals, and law enforcement animals - penalties - short title -**
12 **definition.** (1.5) (a) A person commits cruelty to animals if ~~he or she~~ THE
13 PERSON recklessly or with criminal negligence tortures, needlessly
14 mutilates, or needlessly kills an animal.

15 (b) A person commits aggravated cruelty to animals if ~~he or she~~
16 THE PERSON:

17 (I) Knowingly tortures, needlessly mutilates, or needlessly kills an
18 animal; OR

19 (II) KNOWINGLY KILLS OR CAUSES SERIOUS BODILY INJURY THAT
20 RESULTS IN THE DEATH OF A LAW ENFORCEMENT ANIMAL, WHETHER THE
21 LAW ENFORCEMENT ANIMAL IS ON DUTY OR NOT ON DUTY. FOR THE
22 PURPOSES OF THIS SUBSECTION (1.5)(b)(II), "SERIOUS BODILY INJURY"
23 MEANS BODILY INJURY THAT INVOLVES A SUBSTANTIAL RISK OF DEATH; A
24 SUBSTANTIAL RISK OF PERMANENT DISFIGUREMENT; A SUBSTANTIAL RISK
25 OF PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION OF ANY PART OR
26 ORGAN OF THE BODY; BREAKS; FRACTURES; A PENETRATING WOUND FROM

1 A KNIFE OR A PENETRATING GUNSHOT WOUND; OR BURNS OF THE SECOND
2 OR THIRD DEGREE.

3 (c) A person commits cruelty to a service animal or a ~~certified~~
4 ~~police working dog or police working horse if he or she~~ LAW
5 ENFORCEMENT ANIMAL IF THE PERSON violates ~~the provisions of~~
6 subsection (1) of this section with respect to a service animal ~~certified~~
7 ~~police working dog, or police working horse~~ OR A LAW ENFORCEMENT
8 ANIMAL, as those terms are defined in section 18-9-201, ~~(2.3), (2.4), and~~
9 ~~(4.7)~~; whether the service animal ~~certified police working dog, or police~~
10 ~~working horse~~; OR LAW ENFORCEMENT ANIMAL is on duty or not on duty.

11 (1.8) (a) A peace officer having authority to act ~~under~~ PURSUANT
12 TO this section may take possession of and impound an animal that the
13 peace officer has probable cause to believe is a victim of a violation of
14 subsection (1) or (1.5) of this section or is a victim of a violation of
15 section 18-9-204 and as a result of the violation is endangered if it
16 remains with the owner or custodian. If, in the opinion of a licensed
17 veterinarian, an animal impounded pursuant to this subsection (1.8) is
18 experiencing extreme pain or suffering, or is severely injured past
19 recovery, severely disabled past recovery, or severely diseased past
20 recovery, the animal may be euthanized without a court order.

21 (b) (I) A LICENSED VETERINARIAN IS IMMUNE FROM CRIMINAL
22 LIABILITY AND IS NOT IN VIOLATION OF THE PROVISIONS OF SECTION
23 (1.5)(b)(II) OF THIS SECTION IF:

24 (A) THE LICENSED VETERINARIAN PROVIDES VETERINARY
25 TREATMENT FOR AN INJURED LAW ENFORCEMENT ANIMAL; OR

26 (B) THE LICENSED VETERINARIAN EUTHANIZES THE LAW
27 ENFORCEMENT ANIMAL AFTER DETERMINING THAT THE LAW

1 ENFORCEMENT ANIMAL, DUE TO A CRITICAL INJURY, IS EXPERIENCING
2 EXTREME PAIN OR SUFFERING, OR IS SEVERELY INJURED PAST RECOVERY,
3 SEVERELY DISABLED PAST RECOVERY, OR SEVERELY DISEASED PAST
4 RECOVERY.

5 (II) A PERSON WHO OWNS OR WHO IS CHARGED WITH THE CARE OF
6 A LAW ENFORCEMENT ANIMAL IS IMMUNE FROM CRIMINAL LIABILITY AND
7 IS NOT IN VIOLATION OF THE PROVISIONS OF SECTION (1.5)(b)(II) OF THIS
8 SECTION IF SUCH PERSON IS ABLE TO REASONABLY DETERMINE THAT THE
9 LAW ENFORCEMENT ANIMAL, DUE TO A CRITICAL INJURY, IS EXPERIENCING
10 EXTREME PAIN OR SUFFERING, OR IS SEVERELY INJURED PAST RECOVERY.

11 (2) (a) Except as otherwise provided in subsection (2)(b) of this
12 section, cruelty to animals, or cruelty to a service animal ~~or certified~~
13 ~~police working dog or police working horse~~ OR A LAW ENFORCEMENT
14 ANIMAL pursuant to subsection (1.5)(c) of this section, is a class 1
15 misdemeanor.

16 (a.5) (V) (B) In addition to any other sentence imposed upon a
17 person for a violation of any criminal law ~~under~~ PURSUANT TO this title
18 18, ~~any~~ A person convicted of a second or subsequent conviction for any
19 crime, the underlying factual basis of which has been found by the court
20 to include cruelty to a service animal ~~certified police working dog, or~~
21 ~~police working horse~~ OR A LAW ENFORCEMENT ANIMAL pursuant to
22 ~~subsection (1.5)(c)(I)~~ SUBSECTION (1.5)(c) of this section or aggravated
23 cruelty to a service animal ~~certified police working dog, or police~~
24 ~~working horse~~ OR AGGRAVATED CRUELTY TO A LAW ENFORCEMENT
25 ANIMAL pursuant to ~~subsection (1.5)(c)(II)~~ SUBSECTION (1.5)(b) of this
26 section, is required to pay a mandatory minimum fine of two thousand
27 dollars and is required to complete an anger management treatment

1 program or any other appropriate treatment program.

2 (c) Aggravated cruelty to animals, AS DESCRIBED IN SUBSECTION
3 (1.5)(b) OF THIS SECTION, is a class 4 felony.

4 (d) (II) If a person is convicted of cruelty or aggravated cruelty to
5 a service animal ~~certified police working dog, or police working horse~~ OR
6 A LAW ENFORCEMENT ANIMAL pursuant to ~~subsection (1.5)(c)~~ SUBSECTION
7 (1.5)(b) OR (1.5)(c) of this section, the court shall order the person to
8 make restitution to the agency or individual owning the service animal
9 ~~certified police working dog, or police working horse~~ OR LAW
10 ENFORCEMENT ANIMAL for all expenses, including any immediate and
11 ongoing veterinary expenses related to the incident, and replacement costs
12 for the service animal ~~certified police working dog, or police working~~
13 ~~horse~~ OR LAW ENFORCEMENT ANIMAL if it is permanently disabled or
14 killed as a result of the cruelty or aggravated cruelty incident. If the court
15 finds that the person who is convicted of cruelty or aggravated cruelty to
16 a service animal ~~certified police working dog, or police working horse~~ OR
17 LAW ENFORCEMENT ANIMAL pursuant to ~~subsection (1.5)(c)~~ SUBSECTION
18 (1.5)(b) OR (1.5)(c) of this section did so with malicious intent, the person
19 shall additionally make restitution to the agency or individual owning the
20 service animal ~~certified police working dog, or police working horse~~ OR
21 LAW ENFORCEMENT ANIMAL for all training and certification costs related
22 to the service animal ~~certified police working dog, or police working~~
23 ~~horse~~ OR LAW ENFORCEMENT ANIMAL.

24 (2.5) (a) It ~~shall be~~ IS an affirmative defense to a charge brought
25 ~~under~~ PURSUANT TO this section involving injury or death to a dog that the
26 dog was found running, worrying, or injuring sheep, cattle, or other
27 ~~livestock~~.

1 (b) A PERSON IS JUSTIFIED IN USING PHYSICAL FORCE UPON A LAW
2 ENFORCEMENT ANIMAL TO DEFEND THEIR OWN PERSON OR A THIRD PERSON
3 WHEN THE PERSON REASONABLY BELIEVES THAT A LAW ENFORCEMENT
4 ANIMAL IS AN APPLICATION OF UNREASONABLE OR EXCESSIVE FORCE, IN
5 VIOLATION OF SECTION 18-1-707. THIS IS AN AFFIRMATIVE DEFENSE TO A
6 CHARGE BROUGHT PURSUANT TO THIS SECTION THAT INVOLVES INJURY OR
7 DEATH TO A LAW ENFORCEMENT ANIMAL.

8 **SECTION 3.** In Colorado Revised Statutes, 18-8-802, **amend**
9 (1)(a) and (1.5)(a) as follows:

10 **18-8-802. Duty of a peace officer to report use of force by**
11 **peace officers or law enforcement animals - duty to intervene.**

12 (1) (a) A peace officer who, in pursuance of such officer's law
13 enforcement duties, witnesses another peace officer, INCLUDING A PEACE
14 OFFICER WHO IS THE HANDLER OF A LAW ENFORCEMENT ANIMAL, in
15 pursuance of such other peace officer's law enforcement duties in
16 carrying out an arrest of any person, placing any person under detention,
17 taking any person into custody, booking any person, or in the process of
18 crowd control or riot control, use physical force OR ALLOW THE PEACE
19 OFFICER'S LAW ENFORCEMENT ANIMAL TO USE PHYSICAL FORCE which
20 exceeds the degree of physical force permitted pursuant to section
21 18-1-707 must report such use of force to such officer's OR HANDLER'S
22 immediate supervisor.

23 (1.5) (a) A peace officer, as defined in section 24-31-901 (3), who
24 is on-duty shall intervene to prevent or stop another peace officer,
25 INCLUDING A PEACE OFFICER WHO IS THE HANDLER OF A LAW
26 ENFORCEMENT ANIMAL, from using physical force that exceeds the degree
27 of force permitted, if any, by section 18-1-707 in pursuance of the other

1 peace officer's law enforcement duties in carrying out an arrest of any
2 person, placing any person under detention, taking any person into
3 custody, booking any person, or in the process of crowd control or riot
4 control, without regard for chain of command.

5 **SECTION 4. Safety clause.** The general assembly finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety or for appropriations for
8 the support and maintenance of the departments of the state and state
9 institutions.