

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0213.01 Jane Ritter x4342

**HOUSE BILL 24-1074**

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**HOUSE SPONSORSHIP**

**Armagost and Duran,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.*

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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 ANY ANIMAL USED BY  
7 A LAW ENFORCEMENT AGENCY IN THE COURSE OF ITS OFFICIAL DUTIES.  
8 "LAW ENFORCEMENT ANIMAL" INCLUDES A CERTIFIED POLICE WORKING  
9 DOG AND A POLICE WORKING HORSE.

10           **SECTION 2.** In Colorado Revised Statutes, 18-9-202, **amend**  
11 (1.5), (1.8), (2)(a), (2)(a.5)(V)(B), (2)(c), (2)(d)(II), and (2.5) as follows:

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

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

19           (I) Knowingly tortures, needlessly mutilates, or needlessly kills an  
20 animal; OR

21           (II) KNOWINGLY KILLS OR CAUSES SERIOUS BODILY INJURY THAT  
22 RESULTS IN THE DEATH OF A LAW ENFORCEMENT ANIMAL, WHETHER THE  
23 LAW ENFORCEMENT ANIMAL IS ON DUTY OR NOT ON DUTY. FOR THE  
24 PURPOSES OF THIS SUBSECTION (1.5)(b)(II), "SERIOUS BODILY INJURY"  
25 MEANS BODILY INJURY THAT INVOLVES A SUBSTANTIAL RISK OF DEATH; A  
26 SUBSTANTIAL RISK OF PERMANENT DISFIGUREMENT; A SUBSTANTIAL RISK

1 OF LOSS OR IMPAIRMENT OF THE FUNCTION OF ANY PART OR ORGAN OF THE  
2 BODY; BREAKS; FRACTURES; A PENETRATING WOUND FROM A KNIFE OR A  
3 PENETRATING GUNSHOT WOUND; OR BURNS OF THE SECOND OR THIRD  
4 DEGREE.

5 (c) A person commits cruelty to a service animal or a ~~certified~~  
6 ~~police working dog or police working horse if he or she~~ LAW  
7 ENFORCEMENT ANIMAL IF THE PERSON violates ~~the provisions of~~  
8 subsection (1) of this section with respect to a service animal ~~certified~~  
9 ~~police working dog, or police working horse~~ OR A LAW ENFORCEMENT  
10 ANIMAL, as those terms are defined in section 18-9-201, ~~(2.3), (2.4), and~~  
11 ~~(4.7)~~, whether the service animal ~~certified police working dog, or police~~  
12 ~~working horse~~, OR LAW ENFORCEMENT ANIMAL is on duty or not on duty.

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

23 (b) (I) A LICENSED VETERINARIAN IS IMMUNE FROM CRIMINAL  
24 LIABILITY AND IS NOT IN VIOLATION OF THE PROVISIONS OF SECTION  
25 (1.5)(b)(II) OF THIS SECTION IF:

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

1 (B) THE LICENSED VETERINARIAN EUTHANIZES THE LAW  
2 ENFORCEMENT ANIMAL AFTER DETERMINING THAT THE LAW  
3 ENFORCEMENT ANIMAL, DUE TO A CRITICAL INJURY, IS EXPERIENCING  
4 EXTREME PAIN OR SUFFERING, OR IS SEVERELY INJURED PAST RECOVERY,  
5 SEVERELY DISABLED PAST RECOVERY, OR SEVERELY DISEASED PAST  
6 RECOVERY.

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

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

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

1 section, is required to pay a mandatory minimum fine of two thousand  
2 dollars and is required to complete an anger management treatment  
3 program or any other appropriate treatment program.

4 (c) Aggravated cruelty to animals, AS DESCRIBED IN SUBSECTION  
5 (1.5)(b) OF THIS SECTION, is a class 4 felony.

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

26 (2.5) (a) It ~~shall be~~ IS an affirmative defense to a charge brought  
27 ~~under~~ PURSUANT TO this section involving injury or death to a dog that the

1 dog was found running, worrying, or injuring sheep, cattle, or other  
2 livestock.

3 (b) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE BROUGHT  
4 PURSUANT TO THIS SECTION THAT INVOLVES INJURY OR DEATH TO A LAW  
5 ENFORCEMENT ANIMAL THAT A PERSON WOULD REASONABLY BELIEVE  
6 THAT THE USE OF THE LAW ENFORCEMENT ANIMAL WAS AN APPLICATION  
7 OF UNREASONABLE OR EXCESSIVE FORCE IN VIOLATION OF SECTION  
8 18-1-707 AND THEREFORE JUSTIFIED AN ACTION OF SELF-DEFENSE BY THE  
9 PERSON.

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

12 18-8-802. Duty of a peace officer to report use of force by  
13 peace officers or law enforcement animals - duty to intervene.

14 (1) (a) A peace officer who, in pursuance of such officer's law  
15 enforcement duties, witnesses another peace officer, INCLUDING A PEACE  
16 OFFICER WHO IS THE HANDLER OF A LAW ENFORCEMENT ANIMAL, in  
17 pursuance of such other peace officer's law enforcement duties in  
18 carrying out an arrest of any person, placing any person under detention,  
19 taking any person into custody, booking any person, or in the process of  
20 crowd control or riot control, use physical force OR ALLOW THE PEACE  
21 OFFICER'S LAW ENFORCEMENT ANIMAL TO USE PHYSICAL FORCE which  
22 exceeds the degree of physical force permitted pursuant to section  
23 18-1-707 must report such use of force to such officer's OR HANDLER'S  
24 immediate supervisor.

25 (1.5) (a) A peace officer, as defined in section 24-31-901 (3), who  
26 is on-duty shall intervene to prevent or stop another peace officer,  
27 INCLUDING A PEACE OFFICER WHO IS THE HANDLER OF A LAW

1 ENFORCEMENT ANIMAL, from using physical force that exceeds the degree  
2 of force permitted, if any, by section 18-1-707 in pursuance of the other  
3 peace officer's law enforcement duties in carrying out an arrest of any  
4 person, placing any person under detention, taking any person into  
5 custody, booking any person, or in the process of crowd control or riot  
6 control, without regard for chain of command.

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