

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 24-0213.01 Jane Ritter x4342

**HOUSE BILL 24-1074**

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**House Committees**  
Judiciary

**Senate Committees**  
Judiciary

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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.*

SENATE  
3rd Reading Unamended  
March 22, 2024

SENATE  
2nd Reading Unamended  
March 21, 2024

HOUSE  
3rd Reading Unamended  
February 12, 2024

HOUSE  
Amended 2nd Reading  
February 9, 2024

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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 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.