

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Alexander Sage and Brent Johannes
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: February 16, 2021
SUBJECT: Proposed initiative measure 2021-2022 #16, concerning laws related to cruelty to animals

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

An earlier version of this proposed initiative, proposed initiative 2021-2022 #13, was the subject of a memorandum dated January 8, 2021. Proposed initiative 2021-2022 #13 was discussed at a public meeting on January 11, 2021. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed initiative.

However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

Purposes

The major purposes of the proposed amendments to the Colorado Revised Statutes appear to be:

1. Update language in the criminal cruelty to animal statutes (sections 18-9-201, 18-9-201.5, and 18-9-202, Colorado Revised Statutes) to create greater protections for animals from suffering and exploitation by raising the standard of care; and
2. Extending certain portions of the criminal cruelty to animal statutes to include, in certain instances, livestock, and criminalizing actions that are currently considered legal animal husbandry practices.

Substantive Comments and Questions

No further substantive comments and questions.

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. It is the standard drafting practice of this office to only include in your proposed initiative those parts of the statutory section referenced in the amending clause. For example, in the proposed initiative, you include the following parts of statute that you are not changing in any way: Section 18-9-202 (1)(a) and (2)(a).
2. It is standard drafting practice to omit "C.R.S." from statutory language. See section 18-9-201.5 (1) of the proposed initiative.
3. The first sentence of section 18-9-202 (2)(a.5)(VII) of the proposed initiative includes the amended phrase "does ~~not~~ apply," which would then read "does apply". The proponents might consider the following instead: "~~does not apply~~ APPLIES".