

HB1348\_L.002

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB16-1348 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 18-9-201, amend  
4 the introductory portion and (2); and add (2.3), (4.5), and (4.7) as  
5 follows:

6 **18-9-201. Definitions.** As used in this section and sections  
7 ~~18-9-201.5, 18-9-202, 18-9-202.5, and 18-9-204.5~~ PART 2, unless the  
8 context otherwise requires:

9 (2) "Animal" means any living dumb creature, including a  
10 CERTIFIED POLICE WORKING DOG AND A service animal as THOSE TERMS  
11 ARE defined, RESPECTIVELY, in SUBSECTIONS (2.3) AND (4.7) OF THIS  
12 section. ~~18-1.3-602 (3.5):~~

13 (2.3) "CERTIFIED POLICE WORKING DOG" MEANS A DOG THAT HAS  
14 CURRENT CERTIFICATION FROM A STATE OR NATIONAL AGENCY OR AN  
15 ASSOCIATION THAT CERTIFIES POLICE WORKING DOGS, AND THAT IS PART  
16 OF A WORKING LAW ENFORCEMENT TEAM.

17 (4.5) "SERIOUS PHYSICAL HARM", AS USED IN SECTION 18-9-202,  
18 MEANS ANY OF THE FOLLOWING:

19 (a) ANY PHYSICAL HARM THAT CARRIES A SUBSTANTIAL RISK OF  
20 DEATH;

21 (b) ANY PHYSICAL HARM THAT CAUSES PERMANENT MAIMING OR  
22 THAT INVOLVES SOME TEMPORARY, SUBSTANTIAL MAIMING; OR

23 (c) ANY PHYSICAL HARM THAT CAUSES ACUTE PAIN OF A  
24 DURATION THAT RESULTS IN SUBSTANTIAL SUFFERING.

25 (4.7) "SERVICE ANIMAL" MEANS ANY ANIMAL, THE SERVICES OF  
26 WHICH ARE USED TO AID THE PERFORMANCE OF OFFICIAL DUTIES BY A FIRE  
27 DEPARTMENT, FIRE PROTECTION DISTRICT, OR GOVERNMENTAL SEARCH  
28 AND RESCUE AGENCY. UNLESS OTHERWISE SPECIFIED, "SERVICE ANIMAL"  
29 DOES NOT INCLUDE A "CERTIFIED POLICE WORKING DOG" AS DEFINED IN  
30 SUBSECTION (2.3) OF THIS SECTION.

31 **SECTION 2.** In Colorado Revised Statutes, 18-9-202, amend  
32 (1.5) (c), (2) (a), (2) (a.5) (V), and (2) (d); and repeal (1.6) as follows:

33 **18-9-202. Cruelty to animals - aggravated cruelty to animals**  
34 **- service animals.** (1.5) (c) A person commits cruelty to a service animal  
35 OR A CERTIFIED POLICE WORKING DOG if he or she violates the provisions  
36 of subsection (1) of this section with respect to a service animal OR  
37 CERTIFIED POLICE WORKING DOG, as THOSE TERMS ARE defined in section



1 ~~18-1.3-602 (3.5)~~ SECTIONS 18-9-201 (2.3) AND 18-9-201 (4.7), whether  
2 the service animal OR CERTIFIED POLICE WORKING DOG is on duty or not  
3 on duty.

4 (1.6) ~~As used in this section, unless the context otherwise~~  
5 ~~requires:~~

6 (a) ~~"Serious physical harm" means any of the following:~~

7 (I) ~~Any physical harm that carries a substantial risk of death;~~

8 (II) ~~Any physical harm that causes permanent maiming or that~~  
9 ~~involves some temporary, substantial maiming; or~~

10 (III) ~~Any physical harm that causes acute pain of a duration that~~  
11 ~~results in substantial suffering.~~

12 (2) (a) Except as otherwise provided in paragraph (b) of this  
13 subsection (2), cruelty to animals, OR CRUELTY TO A SERVICE ANIMAL OR  
14 CERTIFIED POLICE WORKING DOG PURSUANT TO PARAGRAPH (c) OF  
15 SUBSECTION (1.5) OF THIS SECTION, is a class 1 misdemeanor.

16 (a.5) (V) In addition to any other sentence imposed upon a person  
17 for a violation of any criminal law under this title, any person convicted  
18 of a second or subsequent conviction for any crime, the underlying factual  
19 basis of which has been found by the court to include an act of cruelty to  
20 animals ~~shall be~~; OR CRUELTY TO A SERVICE ANIMAL OR A CERTIFIED  
21 POLICE WORKING DOG PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5)  
22 OF THIS SECTION IS required to pay a mandatory minimum fine of one  
23 thousand dollars and ~~shall be~~ IS required to complete an anger  
24 management treatment program or any other appropriate treatment  
25 program.

26 (d) (I) If a person is convicted of cruelty to a service animal  
27 pursuant to paragraph (c) of subsection (1.5) of this section, ~~he or she~~  
28 ~~shall be ordered~~ THE COURT SHALL ORDER HIM OR HER to make restitution  
29 to the agency or individual owning the SERVICE animal for any veterinary  
30 bills and replacement costs of the SERVICE animal if it is disabled or killed  
31 as a result of the cruelty to animals incident.

32 (II) IF A PERSON IS CONVICTED OF CRUELTY TO A CERTIFIED POLICE  
33 WORKING DOG PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS  
34 SECTION, THE COURT SHALL ORDER HIM OR HER TO MAKE RESTITUTION TO  
35 THE AGENCY OR INDIVIDUAL OWNING THE CERTIFIED POLICE WORKING DOG  
36 FOR ALL EXPENSES, INCLUDING BUT NOT LIMITED TO ALL TRAINING AND  
37 CERTIFICATION COSTS FOR THE CERTIFIED POLICE WORKING DOG, ANY  
38 VETERINARY EXPENSES, INCLUDING ONGOING EXPENSES, RELATED TO THE  
39 INCIDENT, AND REPLACEMENT COSTS FOR THE CERTIFIED POLICE WORKING  
40 DOG IF IT IS DISABLED OR KILLED AS A RESULT OF THE CRUELTY TO  
41 ANIMALS INCIDENT.

1           **SECTION 3.** In Colorado Revised Statutes, 18-9-209, amend (1)  
2 as follows:

3           **18-9-209. Immunity for reporting cruelty to animals - false**  
4 **report - penalty.** (1) Except as otherwise provided in subsection (2) of  
5 this section, a person who, in good faith, reports a suspected incident of  
6 animal cruelty TO ANIMALS, SERVICE ANIMALS, OR CERTIFIED POLICE  
7 WORKING DOGS, as described in section 18-9-202, to a local law  
8 enforcement agency or to the state bureau of animal protection shall be  
9 IS immune from civil liability for reporting the incident.

10           **SECTION 4. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety."

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