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SENATE BILL 03-065

BY SENATOR(S) Chlouber, Andrews, Gordon, Grossman, Hanna, Johnson S., Kester, Linkhart, McElhany, Owen, Sandoval, Tate, Taylor, Teck, and Tupa;
also REPRESENTATIVE(S) Miller, Borodkin, Butcher, Cloer, Coleman, Frangas, Hoppe, Johnson R., Madden, Marshall, Paccione, Ragsdale, Rippy, Romanoff, Salazar, Stafford, Stengel, Tochtrop, and Weddig.

CONCERNING ANIMAL PROTECTION.

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

SECTION 1. 18-9-201.7 (1) and (4), Colorado Revised Statutes, are amended to read:

18-9-201.7. Animal cruelty prevention fund - control of fund - repeal. (1) There is hereby established in the office of the state treasurer the animal cruelty prevention fund, referred to in this part 2 as the "fund". The fund shall consist of all moneys paid as a surcharge as provided in section 18-9-202 (2) (a.5) (I) PLUS GRANTS, GIFTS, OR DONATIONS RECEIVED FOR A PURPOSE DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(4) Not more than five percent of the aggregate amount of the moneys in the fund shall be used to administer the fund. The remaining moneys in the fund shall be used by the division of criminal justice to assist with costs associated with the care, treatment, IMPOUNDMENT, or shelter of any animal that is the subject of cruelty, and to pay the costs of court-ordered anger management treatment programs and other psychological evaluations and counseling for juveniles supervised pursuant to section 19-2-303, C.R.S., and for indigent persons convicted or adjudicated as juvenile delinquents for acts of cruelty to animals. No moneys from the fund shall be paid to an offender.

SECTION 2. 18-9-202 (1) (a), Colorado Revised Statutes, is amended, and the said 18-9-202 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

18-9-202. Cruelty to animals - aggravated cruelty to animals - neglect of animals - offenses - repeal. (1) (a) A person commits cruelty to animals if he OR SHE knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, ALLOWS TO BE HOUSED IN A MANNER THAT RESULTS IN CHRONIC OR REPEATED SERIOUS PHYSICAL HARM, carries or confines in or upon any vehicles in a cruel or reckless manner, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather CONSISTENT WITH THE SPECIES, BREED, AND TYPE OF ANIMAL INVOLVED, or abandons it AN ANIMAL.

(1.6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "SERIOUS PHYSICAL HARM" MEANS ANY OF THE FOLLOWING:

(I) ANY PHYSICAL HARM THAT CARRIES A SUBSTANTIAL RISK OF DEATH;

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

(III) ANY PHYSICAL HARM THAT CAUSES ACUTE PAIN OF A DURATION

THAT RESULTS IN SUBSTANTIAL SUFFERING.

(1.8) A PEACE OFFICER HAVING AUTHORITY TO ACT UNDER THIS SECTION MAY TAKE POSSESSION OF AND IMPOUND AN ANIMAL THAT THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE IS A VICTIM OF A VIOLATION OF SUBSECTION (1) OR (1.5) OF THIS SECTION OR IS A VICTIM OF A VIOLATION OF SECTION 18-9-204 AND AS A RESULT OF THE VIOLATION IS ENDANGERED IF IT REMAINS WITH THE OWNER OR CUSTODIAN.

SECTION 3. 18-9-202.5, Colorado Revised Statutes, is amended to read:

18-9-202.5. Financial bonding requirements for costs of holding impounded animals. (1) The owner or custodian of an animal that has been impounded BY AN IMPOUND AGENCY because of alleged neglect or abuse, or because of investigation of charges of cruelty to animals or animal fighting as described in sections 18-9-202 and 18-9-204, respectively, may prevent disposition of the animal by an ~~animal shelter, as defined in section 35-80-102 (1), C.R.S., that is caring for the animal~~ IMPOUND AGENCY by posting a bond with the court in an amount sufficient to provide for the animal's care and keeping AT THE IMPOUND AGENCY for at least thirty days, including the day on which the animal was taken into custody. Such bond shall be filed with the court within ten days after the animal is impounded. At the end of the time for which expenses are covered by the bond, if the owner or custodian desires to prevent disposition of the animal, ~~by the animal shelter,~~ the owner or custodian shall post a new bond with the court within ten days after the prior bond's expiration. However, the court shall order the immediate disposition of the animal by euthanasia if, in the opinion of a veterinarian, the animal is experiencing extreme pain or suffering. At the end of the time for which expenses are covered by the bond, the ~~animal shelter~~ IMPOUND AGENCY may determine disposition of the animal unless there is a court order prohibiting such disposition. The owner or custodian shall be liable for the cost of the care, keeping, or disposal of the animal.

(2) FOR PURPOSES OF THIS SECTION, "IMPOUND AGENCY" MEANS AN AGENCY, INCLUDING BUT NOT LIMITED TO AN ANIMAL SHELTER AS DEFINED IN SECTION 35-80-102 (1), C.R.S., THAT IMPOUNDS AN ANIMAL PURSUANT TO THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION OR SECTION 18-9-202 (1.7).

SECTION 4. The introductory portion to 18-9-204 (1) (b) and 18-9-204 (1) (b) (II), Colorado Revised Statutes, are amended to read:

18-9-204. Animal fighting - penalty. (1) (b) For the purposes of this section, a person encourages a fight between animals for the purpose of monetary gain or entertainment if he OR SHE:

(II) Owns, trains, transports, possesses, BREEDS, SELLS, TRANSFERS, or equips an animal with the intent that such animal will be engaged in such a fight;

SECTION 5. 35-80-105 (4), Colorado Revised Statutes, is amended to read:

35-80-105. Pet animal facility - licensure requirements - application - fees. (4) Each applicant for a pet animal facility license shall pay an annual license fee in the amount specified by RULE OF the commissioner, which amount shall not exceed ~~two~~ THREE hundred fifty dollars per license.

SECTION 6. 35-80-108 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

35-80-108. Unlawful acts. (1) Unless otherwise authorized by law, it is unlawful and a violation of this article for any person or entity:

(k.5) TO TRANSFER CATS UNDER THE MINIMUM WEIGHT LIMIT SET BY RULE OF THE COMMISSIONER;

SECTION 7. 35-80-109 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

35-80-109. Powers and duties of the commissioner. (2) The commissioner is authorized to adopt all reasonable rules and regulations for the administration and enforcement of this article, including, but not limited to:

(a.5) THE MINIMUM WEIGHT REQUIREMENT FOR THE TRANSFER OF CATS;

SECTION 8. 30-15-102 (1), Colorado Revised Statutes, is amended to read:

30-15-102. Violations - penalties. (1) Any violation of any provision of a county resolution adopted pursuant to this part 1 not involving bodily injury to any person shall be a class 2 petty offense, and, notwithstanding the provisions of section 18-1.3-503, C.R.S., punishable, upon conviction, by a fine of not more than ~~three hundred~~ ONE THOUSAND dollars PURSUANT TO SECTION 30-15-402 (1), or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment for each separate offense. If authorized by the county resolution, the penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by an animal control officer or any arresting law enforcement officer for any such violation. As part of said county resolution authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for violations of said resolution not involving bodily injury to any person. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual.

SECTION 9. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to offenses committed on or after said date.

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

John Andrews
PRESIDENT OF
THE SENATE

Lola Spradley
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Mona Heustis
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO