

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0173.01 Brita Darling

HOUSE BILL 08-1308

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HOUSE SPONSORSHIP

Stafford,

SENATE SPONSORSHIP

(None),

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House Committees

Judiciary

Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING TREATMENT THAT MAY RESULT IN HARM TO CERTAIN  
102 ANIMALS, AND MAKING AN APPROPRIATION IN CONNECTION  
103 THEREWITH.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Permits an owner of a companion or assistance animal, under certain circumstances, to recover damages for loss of companionship if the animal is tortured, needlessly tormented, or needlessly killed or if a veterinarian's negligence causes injury or death to the animal.

Imposes an informed consent requirement on a veterinarian before he or she performs a service involving a substantial risk of harm to a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

companion or assistance animal, and allows the veterinarian to be disciplined by the licensing board for failure to comply with the informed consent requirement.

Provides that a veterinarian is not liable for negligence resulting in injury or death to a companion or assistance animal due to failure to inoculate the animal if the veterinarian certifies that inoculation is contraindicated. Requires that such certification shall be acceptable to any licensing authority in lieu of evidence of vaccination for the purpose of issuing an animal license.

Awards attorney fees to a prevailing party.

Makes it a class 6 felony to knowingly, recklessly, or with criminal negligence cause serious physical harm to an assistance dog or a service animal.

Makes conforming amendments.

Makes a 5-year statutory appropriation.

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

2 **SECTION 1.** Article 21 of title 13, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW PART to read:

4 PART 12

5 CIVIL LIABILITY FOR INJURY

6 TO COMPANION AND ASSISTANCE ANIMALS

7 **13-21-1201. Legislative declaration.** (1) THE GENERAL  
8 ASSEMBLY HEREBY FINDS AND DETERMINES THAT:

9 (a) HARM TO COMPANION OR ASSISTANCE ANIMALS IS AN  
10 INCREASING PROBLEM FOR COLORADO PET OWNERS;

11 (b) CURRENT LAWS DO NOT ADEQUATELY ADDRESS THE RECOVERY  
12 OF DAMAGES FOR HARM CAUSED TO COMPANION AND ASSISTANCE  
13 ANIMALS BY ANIMAL CRUELTY OR BY THE NEGLIGENT ACTS OF ANIMAL  
14 HEALTHCARE PROFESSIONALS OR VETERINARIANS NOR DO CURRENT LAWS  
15 DETER THAT HARM;

16 (c) CURRENT LAWS FAIL TO MAKE THE OWNER OF THE INJURED  
17 COMPANION OR ASSISTANCE ANIMAL WHOLE, AND THEY DO NOT

1 ACCURATELY REFLECT SOCIETY'S FAVORABLE ATTITUDE TOWARD  
2 COMPANION AND ASSISTANCE ANIMALS;

3 (d) CURRENT LAWS PRECLUDE COMPANION AND ASSISTANCE  
4 ANIMAL OWNERS FROM UTILIZING AN EFFECTIVE REMEDY TO COMPENSATE  
5 FOR THE INTENTIONAL OR NEGLIGENT HARM CAUSED TO THEIR COMPANION  
6 OR ASSISTANCE ANIMALS;

7 (e) COMPANION AND ASSISTANCE ANIMALS ARE OFTEN TREATED  
8 AS MEMBERS OF A FAMILY, AND AN INJURY TO OR THE DEATH OF A  
9 COMPANION OR ASSISTANCE ANIMAL IS PSYCHOLOGICALLY AND  
10 EMOTIONALLY SIGNIFICANT AND OFTEN DEVASTATING TO THE OWNER.

11 (2) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT:

12 (a) CERTAIN ECONOMIC AND NONECONOMIC DAMAGES RESULTING  
13 FROM EITHER ANIMAL CRUELTY OR THE NEGLIGENT ACTS OF ANIMAL  
14 HEALTHCARE PROFESSIONALS THAT HARM COMPANION AND ASSISTANCE  
15 ANIMALS SHOULD BE RECOGNIZED UNDER THE LAW; AND

16 (b) COMPANION AND ASSISTANCE ANIMALS ARE NOT MERE  
17 PROPERTY BUT COMPRISE "LIVING PROPERTY" AND AS SUCH SHOULD BE  
18 GRANTED SPECIAL RECOGNITION UNDER COLORADO LAW.

19 **13-21-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE  
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "ASSISTANCE ANIMAL" MEANS:

22 (a) AN ASSISTANCE DOG AS DEFINED IN SECTION 24-34-803 (7) (a),  
23 C.R.S.; OR

24 (b) AN ANIMAL THAT HAS BEEN OR IS BEING SPECIFICALLY  
25 TRAINED TO BE A THERAPY ANIMAL TO AID AN INDIVIDUAL WITH EPILEPSY  
26 OR ANY OTHER MEDICALLY DISABLED PERSON, TO AID A LAW  
27 ENFORCEMENT OFFICER IN CARRYING OUT HIS OR HER DUTIES, OR TO

1 PROVIDE ANOTHER REASONABLE SERVICE IN AID OF A PERSON.

2 (2) "COMPANION ANIMAL" MEANS A DOMESTICATED DOG OR CAT,  
3 OR OTHER DOMESTICATED NONFARM ANIMAL THAT MAY BE LICENSED OR  
4 REGISTERED BY A LOCAL GOVERNING BODY THAT IS OWNED OR KEPT BY A  
5 PERSON FOR COMPANIONSHIP, FOR PROTECTION, OR FOR SALE TO ANOTHER  
6 PERSON FOR SUCH PURPOSES.

7 (3) "ECONOMIC DAMAGES" MEANS MONEY DAMAGES, INCLUDING  
8 BUT NOT LIMITED TO THE REPLACEMENT COST OF THE COMPANION OR  
9 ASSISTANCE ANIMAL, REASONABLE VETERINARY EXPENSES, REASONABLE  
10 BURIAL EXPENSES FOR THE COMPANION OR ASSISTANCE ANIMAL, AND THE  
11 COST OF ANY TRAINING NECESSARY TO REPLACE THE SERVICES OF THE  
12 COMPANION OR ASSISTANCE ANIMAL.

13 (4) "NONECONOMIC DAMAGES" MEANS MONEY DAMAGES FOR LOSS  
14 OF SOCIETY, COMPANIONSHIP, COMFORT, PROTECTION, AND ASSISTANCE  
15 SERVICES.

16 (5) "OWNER" MEANS A PERSON OWNING, POSSESSING, HARBORING,  
17 KEEPING, HAVING A FINANCIAL INTEREST OR PROPERTY INTEREST IN, OR  
18 HAVING CONTROL OR CUSTODY OF, A COMPANION OR ASSISTANCE ANIMAL.

19 (6) "PERSON" MEANS AN INDIVIDUAL, CORPORATION,  
20 PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY.

21 (7) "VETERINARIAN" MEANS A PERSON WHO HAS RECEIVED A  
22 DOCTORAL DEGREE IN VETERINARY MEDICINE, OR ITS EQUIVALENT, FROM  
23 A SCHOOL OF VETERINARY MEDICINE AND WHO IS LICENSED TO PRACTICE  
24 VETERINARY MEDICINE PURSUANT TO ARTICLE 64 OF TITLE 12, C.R.S.

25 (8) "VETERINARY SERVICE" MEANS A SERVICE OR PROCEDURE  
26 INCLUDED WITHIN THE PRACTICE OF VETERINARY MEDICINE, AS DEFINED  
27 IN SECTION 12-64-103 (10), C.R.S.

1           **13-21-1203. Damages - companion or assistance animals -**  
2 **cruelty - negligent health care practices.** (1) AN OWNER MAY ASSERT  
3 A CLAIM THROUGH ALTERNATIVE DISPUTE RESOLUTION TO RECOVER  
4 ECONOMIC DAMAGES AND NONECONOMIC DAMAGES FOR THE LOSS OF  
5 COMPANIONSHIP OF A COMPANION OR ASSISTANCE ANIMAL FROM A PERSON  
6 WHO TORTURES, NEEDLESSLY TORMENTS, OR NEEDLESSLY KILLS A  
7 COMPANION OR ASSISTANCE ANIMAL. IF ALTERNATIVE DISPUTE  
8 RESOLUTION IS UNSUCCESSFUL, THE OWNER MAY BRING A CIVIL ACTION TO  
9 RECOVER THE DAMAGES DESCRIBED IN THIS SUBSECTION (1).

10           (2) AN OWNER MAY ASSERT A CLAIM THROUGH ALTERNATIVE  
11 DISPUTE RESOLUTION TO RECOVER ECONOMIC DAMAGES AND  
12 NONECONOMIC DAMAGES FOR THE LOSS OF COMPANIONSHIP OF A  
13 COMPANION OR ASSISTANCE ANIMAL FROM A VETERINARIAN WHO, IN THE  
14 COURSE OF NEGLIGENT VETERINARY PRACTICE, NEGLIGENT VETERINARY  
15 PERFORMANCE, OR THE NEGLIGENT PRESCRIBING OF VETERINARY  
16 SERVICES, CAUSES SERIOUS PHYSICAL INJURY OR DEATH TO A COMPANION  
17 OR ASSISTANCE ANIMAL. IF ALTERNATIVE DISPUTE RESOLUTION IS  
18 UNSUCCESSFUL, THE OWNER MAY BRING A CIVIL ACTION TO RECOVER THE  
19 DAMAGES DESCRIBED IN THIS SUBSECTION (2).

20           (3) A VETERINARIAN SHALL NOT BE LIABLE PURSUANT TO  
21 SUBSECTION (2) OF THIS SECTION FOR NEGLIGENCE RESULTING IN SERIOUS  
22 PHYSICAL INJURY OR DEATH TO A COMPANION OR ASSISTANCE ANIMAL DUE  
23 TO FAILURE TO INOCULATE IF THE VETERINARIAN CERTIFIES IN WRITING  
24 THAT, BASED UPON THE VETERINARIAN'S EDUCATION IN ANIMAL  
25 IMMUNOLOGY, DEMONSTRATED EXPERIENCE WITH ALTERNATIVE METHODS  
26 OF DETERMINING ANTIBODY STRENGTH SUCH AS BLOOD TITERING, AND IN  
27 THE BEST INTERESTS OF THE ANIMAL, THE VACCINATION OF THE

1 COMPANION OR ASSISTANCE ANIMAL IS CONTRAINDICATED AND  
2 UNNECESSARY TO MEET THE REQUIREMENT OF ANY COMPENDIUM OR  
3 PROTOCOL. ANY SUCH CERTIFICATION SHALL BE ACCEPTABLE TO ANY  
4 ANIMAL LICENSING AUTHORITY IN LIEU OF EVIDENCE OF VACCINATION FOR  
5 THE PURPOSE OF ISSUING AN ANIMAL LICENSE.

6 (4) A VETERINARIAN SHALL NOT BE LIABLE FOR DAMAGES  
7 PURSUANT TO THIS SECTION IF HE OR SHE ACTED PURSUANT TO THE  
8 INFORMED CONSENT PROVISIONS CONTAINED IN SECTION 13-21-1204.

9 (5) AN AWARD FOR LOSS OF COMPANIONSHIP DAMAGES UNDER  
10 THIS SECTION MAY NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS PER  
11 COMPANION OR ASSISTANCE ANIMAL.

12 (6) DAMAGES AWARDED UNDER THIS SECTION SHALL BE IN  
13 ADDITION TO, AND NOT IN LIEU OF, ANY FINE, SUSPENSION, REVOCATION,  
14 OR OTHER DISCIPLINARY ACTION IMPOSED BY THE STATE BOARD OF  
15 VETERINARY MEDICINE PURSUANT TO SECTION 12-64-111, C.R.S.

16 (7) THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT OR  
17 ABROGATE ANY OF THE FOLLOWING:

18 (a) A CRIMINAL ACTION BROUGHT TO PROSECUTE AN ACT  
19 DESCRIBED IN THIS SECTION OR IN PART 2 OF ARTICLE 9 OF TITLE 18,  
20 C.R.S.; OR

21 (b) ANY RIGHT OR CAUSE OF ACTION THAT A CRIME VICTIM MAY  
22 ASSERT OR BRING.

23 **13-21-1204. Informed consent - hold harmless.** (1) PRIOR TO  
24 PERFORMING OR PRESCRIBING A VETERINARY SERVICE THAT INVOLVES A  
25 SUBSTANTIAL RISK TO THE LIFE OR HEALTH OF A COMPANION OR  
26 ASSISTANCE ANIMAL, A VETERINARIAN SHALL DISCUSS THE SERVICE WITH  
27 THE OWNER. THE DISCUSSION SHALL INCLUDE, BUT NEED NOT BE LIMITED

1 TO, THE FOLLOWING:

2 (a) A DISCLOSURE BY THE VETERINARIAN OF ANY MATERIAL RISK  
3 ASSOCIATED WITH THE VETERINARY SERVICE THAT MAY AFFECT THE  
4 HEALTH OF THE COMPANION OR ASSISTANCE ANIMAL;

5 (b) THE OWNER'S DECISION TO CONSENT IN WRITING TO THE  
6 VETERINARY SERVICE;

7 (c) APPLICABLE STATE OR LOCAL LAWS AFFECTING THE  
8 VETERINARY SERVICE; AND

9 (d) ANY ALTERNATIVE APPROACHES TO THE VETERINARY SERVICE  
10 TO BE PERFORMED.

11 (2) A VETERINARIAN SHALL NOT BE REQUIRED TO COMPLY WITH  
12 THE CONSENT REQUIREMENTS SET FORTH IN SUBSECTION (1) OF THIS  
13 SECTION IF HE OR SHE REASONABLY BELIEVES THAT A COMPANION OR  
14 ASSISTANCE ANIMAL REQUIRES IMMEDIATE VETERINARY CARE IN ORDER  
15 TO AVOID SUBSTANTIAL HARM OR DEATH TO THE ANIMAL.

16 **13-21-1205. Attorney fees.** THE PREVAILING PARTY IN AN ACTION  
17 BROUGHT UNDER THE PROVISIONS OF THIS PART 12 SHALL BE ENTITLED TO  
18 RECOVER REASONABLE ATTORNEY FEES AND THE COSTS OF SUIT.

19 **SECTION 2.** 12-64-111 (1), Colorado Revised Statutes, is  
20 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

21 **12-64-111. Discipline of licensees.** (1) Upon signed complaint  
22 by any complainant or upon its own motion, the board may proceed to a  
23 hearing in conformity with section 12-64-112. After a hearing, and by a  
24 concurrence of a majority of members, the board may revoke or suspend  
25 the license of, place on probation, or otherwise discipline or fine, any  
26 licensed veterinarian for any of the following reasons:

27 (ee) FAILING TO COMPLY WITH THE INFORMED CONSENT

1 REQUIREMENT DESCRIBED IN SECTION 13-21-1204, C.R.S.

2 **SECTION 3.** 25-4-607, Colorado Revised Statutes, is amended  
3 to read:

4 **25-4-607. Order of board of health requiring inoculation of**  
5 **animals.** (1) (a) When it is deemed advisable in the interest of public  
6 health and safety, the board of health of an organized health department  
7 or a county board of health may order that all dogs, cats, other pet  
8 animals, or other mammals in the county or district be vaccinated against  
9 rabies, such vaccination to be performed by a licensed veterinarian.

10 (b) Notwithstanding the provisions of ~~this section, no~~ PARAGRAPH  
11 (a) OF THIS SUBSECTION (1) A board of health of an organized health  
12 department or A county board of health shall NOT order the inoculation of  
13 animals against rabies:

14 (I) Any more frequently than is recommended in the  
15 "Compendium of Animal Rabies Control" as promulgated by the national  
16 association of state public health veterinarians, OR TRIENNIALLY,  
17 WHICHEVER IS LESS FREQUENT; OR

18 (II) WHEN THE VETERINARIAN BELIEVES THAT, IN THE INTEREST OF  
19 THE HEALTH OF THE ANIMAL, INOCULATION IS INAPPROPRIATE DUE TO THE  
20 AGE OR POOR HEALTH OF THE ANIMAL.

21 (2) A VETERINARIAN MAY ISSUE A WRITTEN WAIVER EXEMPTING  
22 AN ANIMAL FROM LOCAL INOCULATION REQUIREMENTS WHEN THE  
23 VETERINARIAN, IN HIS OR HER PROFESSIONAL OPINION, DETERMINES THAT  
24 THE WAIVER WILL BENEFIT THE HEALTH OF THE ANIMAL WITHOUT  
25 COMPROMISING THE PUBLIC HEALTH. A WAIVER EXECUTED PURSUANT TO  
26 THIS SECTION SHALL BE ACCEPTED AND RECOGNIZED BY ANY LOCAL OR  
27 REGIONAL AUTHORITY ISSUING LICENSES FOR THE OWNERSHIP OF

1 ANIMALS.

2 **SECTION 4.** 25-4-615 (2), Colorado Revised Statutes, is  
3 amended, and the said 25-4-615 is further amended BY THE ADDITION  
4 A NEW SUBSECTION, to read:

5 **25-4-615. Further municipal restrictions not prohibited.**

6 (2) Notwithstanding subsection (1) of this section, ~~no~~ A municipality  
7 shall NOT require any animal to be inoculated against rabies:

8 (a) Any more frequently than is recommended in the  
9 "Compendium of Animal Rabies Control" as promulgated by the national  
10 association of state public health veterinarians, OR TRIENNIALLY,  
11 WHICHEVER IS LESS FREQUENT; OR

12 (b) WHEN THE VETERINARIAN BELIEVES THAT, IN THE INTEREST OF  
13 THE HEALTH OF THE ANIMAL, INOCULATION IS INAPPROPRIATE DUE TO THE  
14 AGE OR POOR HEALTH OF THE ANIMAL.

15 (3) A VETERINARIAN MAY ISSUE A WRITTEN WAIVER EXEMPTING  
16 AN ANIMAL FROM MUNICIPAL INOCULATION REQUIREMENTS WHEN THE  
17 VETERINARIAN, IN HIS OR HER PROFESSIONAL OPINION, DEEMS THAT THE  
18 WAIVER WILL BENEFIT THE HEALTH OF THE ANIMAL WITHOUT  
19 COMPROMISING THE PUBLIC HEALTH. A WAIVER EXECUTED PURSUANT TO  
20 THIS SECTION SHALL BE ACCEPTED AND RECOGNIZED BY ANY MUNICIPAL  
21 AUTHORITY ISSUING LICENSES FOR THE OWNERSHIP OF ANIMALS.

22 **SECTION 5.** 18-9-202 (1.5) (b), Colorado Revised Statutes, is  
23 amended to read:

24 **18-9-202. Cruelty to animals - aggravated cruelty to animals**  
25 **- neglect of animals - offenses.** (1.5) (b) A person commits aggravated  
26 cruelty to animals if he or she:

27 (I) Knowingly tortures, needlessly mutilates, or needlessly kills an

1 animal; OR

2 (II) KNOWINGLY, RECKLESSLY, OR WITH CRIMINAL NEGLIGENCE  
3 CAUSES SERIOUS PHYSICAL HARM TO AN ASSISTANCE DOG, AS DEFINED IN  
4 SECTION 24-34-803 (7) (a), C.R.S., OR A SERVICE ANIMAL, AS DEFINED IN  
5 SECTION 18-1.3-602 (3.5).

6 **SECTION 6.** Title 17, Colorado Revised Statutes, is amended BY  
7 THE ADDITION OF A NEW ARTICLE to read:

8 **ARTICLE 18**  
9 **Correctional Facilities - Statutory Appropriations**

10 **17-18-101. Appropriation to comply with section 2-2-703 - HB**  
11 **08-\_\_\_\_ - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE  
12 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY  
13 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 08-\_\_\_\_,  
14 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL  
15 ASSEMBLY:

16 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION  
17 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM  
18 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
19 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
20 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

21 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN  
22 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
23 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN  
24 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE  
25 FUND CREATED IN SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

26 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION  
27 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE

1 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
2 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

3 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION  
4 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
5 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
6 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
7 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

8 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION  
9 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
10 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
11 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

12 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN  
13 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
14 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN  
15 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE  
16 FUND CREATED IN SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

17 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION  
18 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
19 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
20 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

21 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION  
22 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
23 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
24 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
25 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

26 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION  
27 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE

1 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
2 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

3 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

4 **SECTION 7.** The introductory portion to 24-75-302 (2) and  
5 24-75-302 (2) (u), (2) (v), (2) (w), and (2) (x), Colorado Revised Statutes,  
6 are amended, and the said 24-75-302 (2) is further amended BY THE  
7 ADDITION OF A NEW PARAGRAPH, to read:

8 **24-75-302. Capital construction fund - capital assessment fees**  
9 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter  
10 through July 1, ~~2010~~ 2012, a sum as specified in this subsection (2) shall  
11 accrue to the capital construction fund. The state treasurer and the  
12 controller shall transfer such sum out of the general fund and into the  
13 capital construction fund as moneys become available in the general fund  
14 during the fiscal year beginning on said July 1. Transfers between funds  
15 pursuant to this subsection (2) shall not be deemed to be appropriations  
16 subject to the limitations of section 24-75-201.1. The amount that shall  
17 accrue pursuant to this subsection (2) shall be as follows:

18 (u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven  
19 dollars pursuant to H.B. 04-1021, enacted at the second regular session  
20 of the sixty-fourth general assembly; plus three hundred ninety-two  
21 thousand three hundred seventy-three dollars pursuant to S.B. 06-206,  
22 enacted at the second regular session of the sixty-fifth general assembly;  
23 plus three hundred ninety-two thousand three hundred seventy-three  
24 dollars pursuant to S.B. 06-207, enacted at the second regular session of  
25 the sixty-fifth general assembly; plus four hundred sixty-two thousand  
26 one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the  
27 second regular session of the sixty-fifth general assembly; plus twenty-six

1 thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145,  
2 enacted at the second regular session of the sixty-fifth general assembly;  
3 plus five hundred twenty-three thousand one hundred sixty-four dollars  
4 pursuant to H.B. 06-1011, enacted at the second regular session of the  
5 sixty-fifth general assembly; plus sixty-nine thousand seven hundred  
6 fifty-five dollars pursuant to S.B. 06S-004, enacted at the first  
7 extraordinary session of the sixty-fifth general assembly; plus three  
8 hundred twenty-five thousand four hundred twenty-nine dollars pursuant  
9 to S.B. 07-096, enacted at the first regular session of the sixty-sixth  
10 general assembly; plus one hundred fifty thousand one hundred  
11 ninety-eight dollars pursuant to H.B. 07-1326, enacted at the first regular  
12 session of the sixty-sixth general assembly; PLUS \_\_\_\_\_ DOLLARS  
13 PURSUANT TO H.B. 08-\_\_\_\_\_, ENACTED AT THE SECOND REGULAR SESSION  
14 OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

15 (v) On July 1, 2009, five hundred twenty-three thousand one  
16 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second  
17 regular session of the sixty-fifth general assembly; plus five hundred  
18 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.  
19 06-207, enacted at the second regular session of the sixty-fifth general  
20 assembly; plus forty-three thousand five hundred ninety-seven dollars  
21 pursuant to H.B. 06-1145, enacted at the second regular session of the  
22 sixty-fifth general assembly; plus five hundred twenty-three thousand one  
23 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the  
24 second regular session of the sixty-fifth general assembly; plus one  
25 hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B.  
26 07-096, enacted at the first regular session of the sixty-sixth general  
27 assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.

1 07-1326, enacted at the first regular session of the sixty-sixth general  
2 assembly; PLUS \_\_\_\_\_ DOLLARS PURSUANT TO H.B. 08-\_\_\_\_, ENACTED  
3 AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL  
4 ASSEMBLY;

5 (w) On July 1, 2010, five hundred twenty-three thousand one  
6 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second  
7 regular session of the sixty-fifth general assembly; plus five hundred  
8 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.  
9 06-207, enacted at the second regular session of the sixty-fifth general  
10 assembly; plus forty-three thousand five hundred ninety-seven dollars  
11 pursuant to H.B. 06-1145, enacted at the second regular session of the  
12 sixty-fifth general assembly; plus five hundred twenty-three thousand one  
13 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the  
14 second regular session of the sixty-fifth general assembly; plus sixty-nine  
15 thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004,  
16 enacted at the first extraordinary session of the sixty-fifth general  
17 assembly; plus seven hundred fifty thousand nine hundred ninety dollars  
18 pursuant to S.B. 07-096, enacted at the first regular session of the  
19 sixty-sixth general assembly; PLUS \_\_\_\_\_ DOLLARS PURSUANT TO H.B.  
20 08-\_\_\_\_, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH  
21 GENERAL ASSEMBLY;

22 (x) On July 1, 2011, seven hundred fifty thousand nine hundred  
23 ninety dollars pursuant to S.B. 07-096, enacted at the first regular session  
24 of the sixty-sixth general assembly; PLUS \_\_\_\_\_ DOLLARS PURSUANT TO  
25 H.B. 08-\_\_\_\_, ENACTED AT THE SECOND REGULAR SESSION OF THE  
26 SIXTY-SIXTH GENERAL ASSEMBLY;

27 (y) ON JULY 1, 2012, \_\_\_\_\_ DOLLARS PURSUANT TO H.B. 08-\_\_\_\_,

1 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL  
2 ASSEMBLY.

3 **SECTION 8. Effective date - applicability.** This act shall take  
4 effect upon passage and section 5 of this act shall apply to offenses  
5 committed on or after the effective date of this act.

6 **SECTION 9. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.