

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0071.02 Kate Meyer

HOUSE BILL 10-1124

HOUSE SPONSORSHIP

McKinley,

SENATE SPONSORSHIP

(None),

House Committees
Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING LAWS RELATED TO ANIMAL WELFARE.

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://www.leg.state.co.us/billsummaries>.)

The bill makes various changes regarding animal welfare laws.

Section 1 identifies a person engaged in animal control for a local governmental entity as a peace officer and specifies that the person's authority is limited to enforcement of ordinances and resolutions related to pet animal control.

Section 2 allows conviction of an offense of cruelty to animals or any felony or crime of moral turpitude to be used as grounds for denial of

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.

employment in local animal control or as an animal protection agent in the bureau of animal protection (agent).

Section 3:

- ! Grants a court discretion to waive the bond requirement for indigent owners of impounded animals;
- ! Requires courts to hear matters related to animal impoundment on an expedited basis;
- ! Requires the bonds paid by an owner of an animal impounded in connection with a charge or investigation of an animal-related offense to be refunded, or the entire amount of the proceeds from sale of the animal to be forwarded, to the owner if the owner is not convicted of the charges; and
- ! Applies the Colorado rules of civil procedure to impoundment hearings, establishes a clear and convincing standard of proof for such proceedings, and prohibits testimony given by the owner or custodian of an impounded animal from being admitted in any subsequent criminal prosecution.

Section 4 requires nongovernmental entities that contract with counties to enforce pet animal control regulations to make certain information available for public inspection.

Section 5:

- ! Limits the authority of animal control officers to enforcement of laws concerning pet animals;
- ! Requires persons engaged in animal control to undergo a criminal history record check prior to such engagement;
- ! Requires personnel engaged in pet animal control by local governments to carry picture identification and to produce the identification upon request by any interested person;
- ! Requires animal control officers engaged on and after January 1, 2011, to undergo, at a minimum, the same training as is required for an agent prior to being so engaged; and
- ! Declares the imposition of minimum standards for persons engaged in animal control to be a valid exercise of the state police power and a matter of statewide concern.

Sections 6 and 11 relocate provisions describing the scope of the "Animal Protection Act" (act).

Section 7:

- ! Specifies the minimum qualifications and recommendations for, respectively, an agent enforcing the act or animal control officer;
- ! Requires the commissioner of the Colorado department of agriculture (commissioner) to revoke or refuse to renew the

- commission of any agent convicted of an offense of cruelty to animals or other felony or crime of moral turpitude;
- ! Increases from \$100,000 to \$1,000,000 the minimum amount of liability insurance that animal protection agents who are agents of nonprofit corporations are required to carry;
- ! Restricts the scope of authority of agents to enforcement of laws related to animal care, welfare, and protection; and
- ! Requires agents of the Colorado bureau of animal protection and personnel engaged in pet animal control by local governments to carry picture identification and to produce the identification upon request by any interested person.

Section 8 requires an agent to undergo a criminal history record check before being commissioned to enforce the act, and prohibits the commissioner from appointing a person convicted of an offense of cruelty to animals after the commissioner's review of the person's criminal history record check.

Section 9 repeals the requirement that the animal of an owner adjudged to be able to adequately provide for the animal and fit to care for the animal not be returned to the owner until the owner pays the costs of the food, shelter, and care of the animal during the pendency of the matter.

Section 10 requires the commissioner to obtain a search warrant from a court of competent jurisdiction before conducting a search of private property for purposes of the act.

Section 12 clarifies that the dangerous dog registry is open to public inspection.

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

2 **SECTION 1.** Article 2.5 of title 16, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW SECTION to read:

4 **16-2.5-149. Animal control officer.** AN ANIMAL CONTROL
5 OFFICER OR OTHER PERSON ENGAGED IN ANIMAL CONTROL PURSUANT TO
6 ARTICLE 15 OF TITLE 30, C.R.S., IS A PEACE OFFICER WHILE ENGAGED IN
7 THE PERFORMANCE OF HIS OR HER DUTIES; EXCEPT THAT THE PERSON'S
8 AUTHORITY IS LIMITED PURSUANT TO SECTION 30-15-105 (1), C.R.S.

9 **SECTION 2.** The introductory portion to 24-5-101 (1) (b) and

1 24-5-101 (1) (b) (V) and (1) (b) (VI), Colorado Revised Statutes, are
2 amended, and the said 24-5-101 (1) (b) is further amended BY THE
3 ADDITION OF A NEW SUBPARAGRAPH, to read:

4 **24-5-101. Effect of criminal conviction on employment rights.**

5 (1) (b) This subsection (1) ~~shall~~ DOES not apply to:

6 (V) The employment of persons in public or private correctional
7 facilities pursuant to ~~the provisions of~~ sections 17-1-109.5 and 17-1-202
8 (1) (a) (I) and (1.5), C.R.S., and the employment of persons in public or
9 private juvenile facilities pursuant to ~~the provisions of~~ sections
10 19-2-403.3 and 19-2-410 (4), C.R.S.; and

11 (VI) The employment of persons by the public employees'
12 retirement association created pursuant to section 24-51-201 who, upon
13 the commencement of that employment, will have access to association
14 investment information, association assets, or financial, demographic, or
15 other information relating to association members or beneficiaries; AND

16 (VII) THE EMPLOYMENT OR ENGAGEMENT OF PERSONS IN ANIMAL
17 CONTROL UNDER SECTION 30-15-105, C.R.S., OR THE APPOINTMENT OF
18 PERSONS AS ANIMAL PROTECTION AGENTS IN THE BUREAU OF ANIMAL
19 PROTECTION UNDER ARTICLE 42 OF TITLE 35, C.R.S.

20 **SECTION 3.** 18-9-202.5 (1) (a) and (1) (c) (I), Colorado Revised
21 Statutes, are amended, and the said 18-9-202.5 is further amended BY
22 THE ADDITION OF A NEW SUBSECTION, to read:

23 **18-9-202.5. Financial bonding requirements for costs of**
24 **holding impounded animals - proceedings and proof.** (1) (a) The
25 owner or custodian of an animal that has been impounded by an impound
26 agency because of alleged neglect or abuse, or because of investigation
27 of charges of cruelty to animals pursuant to section 18-9-202; animal

1 fighting pursuant to section 18-9-204; mistreatment, neglect, or
2 abandonment under article 42 of title 35, C.R.S.; or unlawful ownership
3 of a dangerous dog as described in section 18-9-204.5, may prevent
4 disposition of the animal by an impound agency by posting a bond with
5 the court in an amount sufficient to provide for the animal's care and
6 provision at the impound agency for at least thirty days, including the day
7 on which the animal was taken into custody. The owner or custodian of
8 any impounded animal may request a hearing in a court of competent
9 jurisdiction within ten days after impoundment to determine whether the
10 costs associated with the bond are fair and reasonable for the care of and
11 provision for the impounded animal. ~~Such~~ THE OWNER OR CUSTODIAN OF
12 AN IMPOUNDED ANIMAL MAY ALSO, WITHIN TEN DAYS AFTER
13 IMPOUNDMENT, PETITION A COURT OF COMPETENT JURISDICTION FOR A
14 WAIVER OF THE BOND REQUIREMENT DUE TO THE INDIGENCY OF THE
15 OWNER OR CUSTODIAN. THE COURT TO WHICH A REQUEST FOR A HEARING
16 ON THE REASONABLENESS OF THE BOND OR PETITION FOR WAIVER OF THE
17 BOND REQUIREMENT IS MADE SHALL HEAR THE MATTER ON AN EXPEDITED
18 BASIS. THE bond shall be filed with the court within ten days after the
19 animal is impounded OR, IF A BOND HEARING IS REQUESTED, WITHIN TEN
20 DAYS AFTER THE BOND HEARING. At the end of the time for which
21 expenses are covered by the bond, if the owner or custodian desires to
22 prevent disposition of the animal, the owner or custodian shall post a new
23 bond with the court within ten days after the prior bond's expiration.
24 However, if, in the opinion of a licensed veterinarian, the animal is
25 experiencing extreme pain or suffering or is severely injured past
26 recovery, severely disabled past recovery, or severely diseased past
27 recovery, the animal may be euthanized without a court order. At the end

1 of the time for which expenses are covered by the bond, the impound
2 agency may determine disposition of the animal unless there is a court
3 order prohibiting such THE disposition. The owner or custodian shall be
4 IS liable for the cost of the care of, provision for, or disposal of the animal
5 ONLY IF THE OWNER OF THE ANIMAL IS CONVICTED OF CRUELTY TO
6 ANIMALS UNDER SECTION 18-9-202, ANIMAL FIGHTING UNDER SECTION
7 18-9-204, OR UNLAWFUL OWNERSHIP OF A DANGEROUS DOG UNDER
8 SECTION 18-9-204.5 OR IS FOUND BY COURT ORDER TO HAVE MISTREATED,
9 NEGLECTED, OR ABANDONED THE ANIMAL UNDER ARTICLE 42 OF TITLE 35,
10 C.R.S. IF THE OWNER IS NOT CONVICTED OR IS NOT FOUND BY COURT
11 ORDER TO HAVE MISTREATED, NEGLECTED, OR ABANDONED THE ANIMAL,
12 THE OWNER IS ENTITLED TO RECOVER FROM THE IMPOUND AGENCY THE
13 FULL AMOUNT OF ANY BONDS THAT THE OWNER POSTED FOR THE COSTS
14 ASSOCIATED WITH IMPOUNDMENT OF THE OWNER'S ANIMAL.

15 (c) (I) With respect to the sale of an animal, the proceeds shall
16 first be applied to the costs of the sale and then to the expenses for the
17 care of and provision for the animal, including expenses incurred by the
18 impound agency. If the owner of the animal is convicted of cruelty to
19 animals under section 18-9-202, animal fighting under section 18-9-204,
20 or unlawful ownership of a dangerous dog under section 18-9-204.5 or is
21 found by court order to have mistreated, neglected, or abandoned the
22 animal under article 42 of title 35, C.R.S., the remaining proceeds, if any,
23 shall be paid to the impound agency. If the owner of the animal is not
24 convicted of such charges or is not found by court order to have ~~so~~
25 mistreated, neglected, or abandoned the animal, the ~~remaining~~ ENTIRE
26 proceeds ~~if any~~ FROM THE SALE OF THE ANIMAL shall be paid over to the
27 owner of the animal.

1 (3) IMPOUNDMENT HEARINGS UNDER THIS SECTION SHALL BE
2 CONDUCTED IN CONFORMITY WITH THE COLORADO RULES OF CIVIL
3 PROCEDURE, THE COLORADO RULES OF EVIDENCE, AND THE PRACTICE IN
4 THIS STATE IN THE TRIAL OF CIVIL CASES; EXCEPT THAT, UNLESS THE
5 ANIMAL IS EUTHANIZED WITHOUT A COURT ORDER PURSUANT TO THE
6 OPINION OF A LICENSED VETERINARIAN UNDER PARAGRAPH (a) OF
7 SUBSECTION (1) OF THIS SECTION, PROOF OF MISTREATMENT,
8 ABANDONMENT, OR NEGLECT BY CLEAR AND CONVINCING EVIDENCE IS
9 REQUIRED FOR ANY COURT ORDER OF DISPOSITION OTHER THAN TO
10 RETURN THE ANIMAL TO THE OWNER OR CUSTODIAN. TESTIMONY GIVEN
11 IN AN IMPOUNDMENT HEARING BY AN ANIMAL'S OWNER OR CUSTODIAN IS
12 NOT ADMISSIBLE IN ANY SUBSEQUENT CRIMINAL PROSECUTION.

13 **SECTION 4.** 30-15-103, Colorado Revised Statutes, is amended
14 to read:

15 **30-15-103. Disposition of fines and forfeitures - information**
16 **open to public inspection.** (1) All fines and forfeitures for the violation
17 of county resolutions adopted pursuant to this part 1 and all moneys
18 collected by the county for licenses or otherwise shall be paid into the
19 treasury of the county at such times and in such manner as may be
20 prescribed by resolution; or, if there is no resolution providing for the
21 payment, it shall be paid to the county treasurer at once.

22 (2) (a) EVERY NONGOVERNMENTAL ENTITY THAT CONTRACTS
23 WITH OR IS OTHERWISE ENGAGED BY A COUNTY TO ENFORCE REGULATIONS
24 CONCERNING THE CONTROL OF PET ANIMALS IS SUBJECT TO THE
25 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24,
26 C.R.S., AND SHALL MAKE THE FOLLOWING INFORMATION AVAILABLE FOR
27 INSPECTION BY THE PUBLIC AT ANY TIME DURING REGULAR BUSINESS

1 HOURS:

2 (I) THE NUMBER OF PET ANIMALS IMPOUNDED, IF THE ENTITY ACTS
3 AS OR OPERATES AN ANIMAL HOLDING FACILITY;

4 (II) THE COST OF PROVIDING SHELTER, FOOD, AND CARE TO
5 IMPOUNDED PET ANIMALS, BY TYPE OF PET ANIMAL AND PER ANIMAL;

6 (III) THE DISPOSITION OF IMPOUNDED PET ANIMALS;

7 (IV) THE SOURCES AND AMOUNTS OF FUNDING, AND THE
8 PROPORTION OF REVENUE RECEIVED BY SALE OR DISPOSITION OF
9 IMPOUNDED PET ANIMALS.

10 (b) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO VIOLATE
11 THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE
12 24, C.R.S.

13 **SECTION 5.** 30-15-105, Colorado Revised Statutes, is amended
14 to read:

15 **30-15-105. Animal control officers - peace officer designation**
16 **- identification required - criminal history record check - legislative**
17 **declaration.** (1) Personnel engaged in animal control, however titled or
18 administratively assigned, may issue citations or summonses and
19 complaints enforcing the county dog control resolution or any other
20 county resolution concerning the control of pet animals or municipal
21 ordinance CONCERNING THE CONTROL OF PET ANIMALS without regard to
22 the certification requirements of part 3 of article 31 of title 24, C.R.S.
23 Personnel ~~so~~ engaged IN ANIMAL CONTROL shall be included within the
24 definition of "peace officer or firefighter engaged in the performance of
25 his or her duties" in section 18-3-201 (2), C.R.S. Nothing in this part 1
26 ~~is intended to vest~~ VESTS authority in any person ~~so~~ engaged IN ANIMAL
27 CONTROL to enforce any resolution, ordinance, or statute other than the

1 county dog control resolution or any other county resolution concerning
2 the control of pet animals or municipal ordinance CONCERNING THE
3 CONTROL OF PET ANIMALS.

4 (2) A PERSON ENGAGED IN ANIMAL CONTROL UNDER THIS ARTICLE
5 SHALL CARRY PICTURE IDENTIFICATION ISSUED BY THE GOVERNMENTAL
6 ENTITY ENGAGING HIM OR HER AND SHALL PRODUCE THE IDENTIFICATION
7 FOR INSPECTION ON REQUEST BY ANY INTERESTED PERSON.

8 (3) (a) (I) ON AND AFTER JANUARY 1, 2011, EACH PERSON WHOM
9 A COUNTY SEEKS TO ENGAGE IN ANIMAL CONTROL SHALL SUBMIT A
10 COMPLETE SET OF HIS OR HER FINGERPRINTS TO A LOCAL LAW
11 ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING A
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE PERSON IS
13 REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER
14 FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD
15 CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE
16 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS
17 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF
18 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL
19 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING
20 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
21 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS
22 OF THE CRIMINAL HISTORY RECORD CHECK TO THE COUNTY.

23 (II) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
24 CONTRARY, IF THE COUNTY DETERMINES, AFTER THE CRIMINAL HISTORY
25 RECORD CHECK REQUIRED BY THIS SECTION, THAT THE POTENTIAL
26 APPOINTEE WAS CONVICTED OF OR PLEAD GUILTY OR NOLO CONTENDERE
27 TO A CHARGE OF CRUELTY TO ANIMALS AS DESCRIBED IN SECTION

1 18-9-202, C.R.S., OR ANY OTHER FELONY OR A CRIME OF MORAL
2 TURPITUDE, THE COUNTY SHALL NOT APPOINT OR RENEW THE
3 APPOINTMENT OF THE PERSON.

4 (b) ON OR AFTER JANUARY 1, 2011, A COUNTY SHALL NOT ENGAGE
5 A PERSON IN ANIMAL CONTROL UNDER THIS ARTICLE UNLESS THE PERSON
6 HAS COMPLETED TRAINING THAT, AT A MINIMUM, MEETS THE SAME
7 STANDARDS AND REQUIREMENTS AS APPLY TO THE TRAINING OF ANIMAL
8 PROTECTION AGENTS IN THE BUREAU OF ANIMAL PROTECTION UNDER
9 ARTICLE 42 OF TITLE 35, C.R.S., BEFORE BEING SO ENGAGED.

10 (4) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT
11 IMPOSING UNIFORM STANDARDS FOR PERSONS ENGAGED IN ANIMAL
12 CONTROL IS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND
13 WELFARE AND IS THUS A VALID EXERCISE OF THE STATE POLICE POWER.
14 FURTHER, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT REQUIRING
15 PERSONS ENGAGED IN ANIMAL CONTROL TO UNDERGO A MINIMUM LEVEL
16 OF TRAINING IS A MATTER OF STATEWIDE CONCERN.

17 **SECTION 6.** 35-42-104, Colorado Revised Statutes, is amended
18 BY THE ADDITION OF A NEW SUBSECTION to read:

19 **35-42-104. Scope of article.** (5) NOTHING IN THIS ARTICLE
20 INTERFERES WITH THE AUTHORITY OF THE DEPARTMENT OF PUBLIC
21 HEALTH AND ENVIRONMENT TO ENFORCE PART 7 OF ARTICLE 4 OF TITLE 25,
22 C.R.S., OR THE DEPARTMENT TO ENFORCE ARTICLE 80 OF THIS TITLE.

23 **SECTION 7.** 35-42-107 (1), (3), (4), (5), and (9), Colorado
24 Revised Statutes, are amended to read:

25 **35-42-107. Bureau personnel - appointment.** (1) Subject to the
26 provisions of section 13 of article XII of the state constitution AND
27 SECTION 35-42-107.5, the commissioner shall appoint ~~such~~ animal

1 protection agents as ~~are~~ necessary to carry out the provisions of this
2 article.

3 (3) When agents who are employees of nonprofit corporations are
4 appointed, the corporation shall furnish evidence of minimum liability
5 insurance covering said agent in the amount of one ~~hundred thousand~~
6 MILLION dollars. The state shall not be liable for the actions of such
7 agents. Agents of the bureau shall submit to training as specified by the
8 commissioner.

9 (4) Agents of the bureau who have completed training as specified
10 by the commissioner are vested with the power to issue ~~summons~~
11 SUMMONSES and complaints to enforce ~~the provisions of~~ THIS ARTICLE,
12 part 2 of article 9 of title 18, C.R.S., and article 80 of this title, ~~as granted~~
13 ~~peace officers under section 16-2-104, C.R.S.,~~ and shall be designated as
14 peace officers, as described in ~~sections 16-2.5-101 and~~ SECTION
15 16-2.5-118, C.R.S.

16 (5) The commissioner may, in ~~his~~ THE COMMISSIONER'S discretion,
17 revoke the commission of any agent; EXCEPT THAT, IF AN AGENT IS
18 CONVICTED OF OR PLEADS NOLO CONTENDERE TO A FELONY OR CRIME OF
19 MORAL TURPITUDE, INCLUDING AN OFFENSE OF CRUELTY TO ANIMALS AS
20 DESCRIBED UNDER PART 2 OF ARTICLE 9 OF TITLE 18, C.R.S., THE
21 COMMISSIONER SHALL REVOKE THE AGENT'S COMMISSION.

22 (9) A commission may, in the discretion of the commissioner, be
23 renewed; EXCEPT THAT, IF AN AGENT IS CONVICTED OF OR PLEADS NOLO
24 CONTENDERE TO A FELONY OR CRIME OF MORAL TURPITUDE, INCLUDING
25 AN OFFENSE OF CRUELTY TO ANIMALS AS DESCRIBED UNDER PART 2 OF
26 ARTICLE 9 OF TITLE 18, C.R.S., THE COMMISSIONER SHALL NOT RENEW THE
27 AGENT'S COMMISSION.

1 **SECTION 8.** Article 42 of title 35, Colorado Revised Statutes, is
2 amended BY THE ADDITION OF THE FOLLOWING NEW
3 SECTIONS to read:

4 **35-42-107.5. Criminal history record check.** (1) ON OR AFTER
5 JANUARY 1, 2011, NO AGENT SHALL BE APPOINTED UNDER THIS ARTICLE
6 UNLESS THE AGENT UNDERGOES A CRIMINAL HISTORY RECORD CHECK IN
7 ACCORDANCE WITH THIS SECTION.

8 (2) IN ADDITION TO ANY OTHER REQUIREMENTS REQUIRED BY LAW
9 OR RULE, EACH PERSON WHO THE COMMISSIONER SEEKS TO APPOINT SHALL
10 SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS TO A LOCAL LAW
11 ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING A
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE PERSON IS
13 REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER
14 FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD
15 CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE
16 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS
17 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF
18 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL
19 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING
20 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
21 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS
22 OF THE CRIMINAL HISTORY RECORD CHECK TO THE COMMISSIONER.

23 (3) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
24 CONTRARY, IF THE COMMISSIONER DETERMINES, SUBSEQUENT TO THE
25 CRIMINAL HISTORY RECORD CHECK REQUIRED BY THIS SECTION, THAT THE
26 POTENTIAL APPOINTEE WAS CONVICTED OF OR PLEAD GUILTY OR NOLO
27 CONTENDERE TO A CHARGE OF CRUELTY TO ANIMALS AS DESCRIBED IN

1 SECTION 18-9-202, C.R.S., OR ANY OTHER FELONY OR A CRIME OF MORAL
2 TURPITUDE, THE COMMISSIONER SHALL NOT APPOINT OR RENEW THE
3 APPOINTMENT OF THE PERSON.

4 **35-42-107.7. Identification required - issuance of identification**
5 **- fee - rules.** (1) A PERSON ENFORCING THIS ARTICLE SHALL CARRY
6 IDENTIFICATION AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND
7 SHALL PRODUCE THE IDENTIFICATION FOR INSPECTION UPON REQUEST BY
8 ANY INTERESTED PERSON.

9 (2) THE IDENTIFICATION REQUIRED UNDER THIS SECTION SHALL BE
10 ISSUED BY THE DEPARTMENT AND SHALL BEAR, AT A MINIMUM, THE
11 AGENT'S NAME AND PICTURE, A NUMERIC IDENTIFIER UNIQUE TO THAT
12 AGENT, AND THE EXPIRATION DATE OF THE AGENT'S COMMISSION.

13 (3) THE COMMISSIONER SHALL DESIGNATE BY RULE THE FORM OF
14 THE IDENTIFICATION REQUIRED UNDER THIS SECTION. THE COMMISSIONER
15 MAY ALSO ESTABLISH AND COLLECT A FEE FROM AN AGENT TO RECOVER
16 THE ACTUAL COSTS OF PROVIDING THE IDENTIFICATION.

17 **SECTION 9.** 35-42-109 (5) (c) and (5) (d), Colorado Revised
18 Statutes, are amended to read:

19 **35-42-109. Protection of animals mistreated, neglected, or**
20 **abandoned.** (5) (c) The court may adjudge that the owner is a person
21 able to adequately provide for ~~such~~ THE animal and a person fit to own
22 the animal, in which case the animal shall be returned to the owner ~~after~~
23 ~~all reasonable expenses of any food, shelter, and care provided by the~~
24 ~~commissioner have been paid; except that, if such expenses are not paid~~
25 ~~within ten days of a court order adjudging the owner a person able to~~
26 ~~adequately provide for such animal and a person fit to own the animal~~
27 IMMEDIATELY. IF THE OWNER OF THE ANIMAL CANNOT BE LOCATED, the

1 commissioner may, in ~~his~~ THE COMMISSIONER'S discretion and without
2 liability, dispose of the animal by selling it at public auction, placing it for
3 adoption in a suitable home, giving it to a suitable animal shelter, or
4 humanely destroying it as deemed proper by the commissioner.

5 (d) With respect to the sale of an animal, the proceeds shall first
6 be applied to the costs of the sale and then to the expenses for the care
7 and provision of the animal, and the remaining proceeds, if any, shall be
8 ~~paid over to the owner of the animal. If the owner of the animal cannot~~
9 ~~be found, any remaining proceeds shall be paid~~ into the estray fund,
10 created pursuant to section 35-41-102.

11 **SECTION 10.** 35-42-111 (2) (a), Colorado Revised Statutes, is
12 amended to read:

13 **35-42-111. Investigations - search warrants - access -**
14 **administrative subpoena.** (2) (a) At any reasonable time during regular
15 business hours, the commissioner shall have free and unimpeded access,
16 upon consent or upon obtaining an administrative search warrant, to all
17 buildings, yards, pens, pastures, and other areas in which any animals are
18 kept, handled, or transported for the purpose of carrying out ~~any provision~~
19 ~~of this article or any rule made pursuant to this article;~~ EXCEPT THAT, IN
20 ORDER TO CONDUCT AN INVESTIGATION ON PRIVATE PROPERTY UNDER
21 THIS ARTICLE, THE COMMISSIONER SHALL OBTAIN CONSENT OR A SEARCH
22 WARRANT IN ACCORDANCE WITH PART 3 OF ARTICLE 3 OF TITLE 16, C.R.S.

23 **SECTION 11.** 35-42-114, Colorado Revised Statutes, is amended
24 to read:

25 **35-42-114. Local regulation.** ~~The provisions of This article shall~~
26 ~~not be construed to~~ DOES NOT limit or preempt additional regulation by
27 any city, town, or city and county. ~~Nothing in this article shall interfere~~

1 with the authority of the department of public health and environment in
2 the enforcement of part 7 of article 4 of title 25, C.R.S., or the department
3 of agriculture in the enforcement of article 80 of this title.

4 **SECTION 12.** 35-42-115 (1), Colorado Revised Statutes, is
5 amended to read:

6 **35-42-115. Dangerous dog registry - created - cash fund.**

7 (1) The bureau shall establish a statewide dangerous dog registry
8 consisting of a database of information concerning microchip types and
9 placement by veterinarians and licensed shelters in dangerous dogs
10 pursuant to ~~the provisions of~~ section 18-9-204.5 (3) (e.5), C.R.S. The
11 commissioner may promulgate ~~such~~ rules as may be necessary for the
12 implementation of this section. INFORMATION IN THE DATABASE SHALL
13 BE OPEN TO PUBLIC INSPECTION AT ALL REASONABLE TIMES AND SHALL BE
14 ACCESSIBLE ELECTRONICALLY AT ALL TIMES.

15 **SECTION 13. Act subject to petition - effective date -**
16 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
17 following the expiration of the ninety-day period after final adjournment
18 of the general assembly (August 11, 2010, if adjournment sine die is on
19 May 12, 2010); except that, if a referendum petition is filed pursuant to
20 section 1 (3) of article V of the state constitution against this act or an
21 item, section, or part of this act within such period, then the act, item,
22 section, or part shall not take effect unless approved by the people at the
23 general election to be held in November 2010 and shall take effect on the
24 date of the official declaration of the vote thereon by the governor.

25 (2) The provisions of this act shall apply to acts occurring on or
26 after the applicable effective date of this act.