

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0590.01 Jane Ritter

HOUSE BILL 11-1151

HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

Nicholson,

House Committees
Health and Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CRUELTY TO SERVICE ANIMALS.**

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 specifically defines cruelty to a service animal being used by a peace officer or person with a disability (service animal) and requires that, in addition to any other penalty imposed, a person who is convicted of aggravated cruelty to a service animal shall make restitution for any veterinary bills and, if necessary, replacement costs of the service animal that are a result of the cruelty incident.

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.

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

2 **SECTION 1.** The introductory portion to 18-9-201 and 18-9-201
3 (2), Colorado Revised Statutes, are amended, and the said 18-9-201 is
4 further amended BY THE ADDITION OF A NEW SUBSECTION, to
5 read:

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, unless the context
8 otherwise requires:

9 (2) "Animal" means any living dumb creature, INCLUDING A
10 SERVICE ANIMAL AS DEFINED IN SUBSECTION (4.7) OF THIS SECTION.

11 (4.7) "SERVICE ANIMAL" MEANS:

12 (a) AN ANIMAL USED BY A PEACE OFFICER, WHICH ANIMAL IS
13 SPECIALLY TRAINED FOR LAW ENFORCEMENT WORK, INCLUDING BUT NOT
14 LIMITED TO PATROL DOGS, SEARCH AND RESCUE DOGS, TRACKING DOGS,
15 AND BOMB AND NARCOTIC DETECTION DOGS. "SERVICE ANIMAL" MAY
16 ALSO MEAN ANY ANIMAL CONTRACTED TO ASSIST A LAW ENFORCEMENT
17 AGENCY IN THE PERFORMANCE OF LAW ENFORCEMENT DUTIES; OR

18 (b) AN ASSISTANCE DOG, AS DEFINED IN SECTION 24-34-803 (7) (a),
19 C.R.S., USED BY A PERSON WITH A DISABILITY.

20 **SECTION 2.** 18-9-202 (1.5), Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
23 **- cruelty to a service animal - restitution.** (1.5) (c) A PERSON COMMITS
24 CRUELTY TO A SERVICE ANIMAL IF HE OR SHE VIOLATES THE PROVISIONS
25 OF SUBSECTION (1) OF THIS SECTION WITH RESPECT TO A SERVICE ANIMAL,
26 WHETHER THE SERVICE ANIMAL IS ON DUTY OR NOT ON DUTY, OR IF HE OR

1 SHE INTENTIONALLY OR KNOWINGLY:

2 (I) CAUSES BODILY INJURY OR DEATH TO A SERVICE ANIMAL;

3 (II) ENGAGES IN CONDUCT LIKELY TO CAUSE BODILY INJURY OR
4 DEATH TO A SERVICE ANIMAL;

5 (III) LAYS OUT, PLACES, OR ADMINISTERS ANY POISON, TRAP,
6 SUBSTANCE, OR OBJECT THAT IS LIKELY TO PRODUCE BODILY INJURY OR
7 DEATH TO A SERVICE ANIMAL;

8 (IV) OFFERS OR AGREES WITH ONE OR MORE PERSONS TO ENGAGE
9 IN OR CAUSE THE PERFORMANCE OF AN ACT THAT CONSTITUTES A
10 VIOLATION OF THIS PARAGRAPH (c) OR SUBSECTION (1) OF THIS SECTION;

11 (V) TAUNTS, TORMENTS, STRIKES, OR OTHERWISE ASSAULTS A
12 SERVICE ANIMAL;

13 (VI) THROWS ANY OBJECT OR SUBSTANCE AT OR IN THE PATH OF
14 A SERVICE ANIMAL;

15 (VII) INTERFERES WITH OR ATTEMPTS TO INTERFERE WITH A
16 SERVICE ANIMAL, OR INTERFERES WITH OR ATTEMPTS TO INTERFERE WITH
17 THE HANDLER OF THE SERVICE ANIMAL IN A MANNER THAT INHIBITS,
18 RESTRICTS, OR DEPRIVES THE HANDLER OF HIS OR HER CONTROL OF THE
19 SERVICE ANIMAL; OR

20 (VIII) RELEASES A SERVICE ANIMAL FROM ITS AREA OF CONTROL,
21 INCLUDING BUT NOT LIMITED TO A VEHICLE, KENNEL, OR PEN.

22 **SECTION 3.** 18-9-202 (2), Colorado Revised Statutes, is
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
25 **- cruelty to a service animal - restitution.** (2) (d) IF A PERSON IS
26 CONVICTED OF CRUELTY TO A SERVICE ANIMAL PURSUANT TO PARAGRAPH
27 (c) OF SUBSECTION (1.5) OF THIS SECTION, HE OR SHE SHALL BE ORDERED

1 TO MAKE RESTITUTION TO THE AGENCY OWNING THE ANIMAL AND
2 EMPLOYING THE PEACE OFFICER OR THE PERSON WITH A DISABILITY FOR
3 ANY VETERINARY BILLS AND REPLACEMENT COSTS OF THE ANIMAL IF IT IS
4 DISABLED OR KILLED AS A RESULT OF THE CRUELTY TO ANIMALS INCIDENT.

5 **SECTION 4.** 18-9-202, Colorado Revised Statutes, is amended
6 BY THE ADDITION OF A NEW SUBSECTION to read:

7 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
8 **- cruelty to a service animal - restitution.** (4) THE PROVISIONS OF THIS
9 SECTION SHALL NOT APPLY TO A PEACE OFFICER OR VETERINARIAN WHO
10 TERMINATES THE LIFE OF A SERVICE ANIMAL FOR THE PURPOSE OF
11 RELIEVING THE SERVICE ANIMAL OF UNDUE PAIN AND SUFFERING.

12 **SECTION 5. Act subject to petition - effective date.** This act
13 shall take effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part shall not take effect
19 unless approved by the people at the general election to be held in
20 November 2012 and shall take effect on the date of the official
21 declaration of the vote thereon by the governor.