

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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 IN LAW ENFORCEMENT.**

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

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

21 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
22 **- cruelty to a service animal - restitution.** (1.5) (c) A PERSON COMMITS
23 CRUELTY TO A SERVICE ANIMAL IF HE OR SHE VIOLATES THE PROVISIONS
24 OF SUBSECTION (1) OF THIS SECTION WITH RESPECT TO A SERVICE ANIMAL,
25 WHETHER THE SERVICE ANIMAL IS ON DUTY OR NOT ON DUTY. [REDACTED]

26 **SECTION 3.** 18-9-202 (2), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
3 **- cruelty to a service animal - restitution.** (2) (d) IF A PERSON IS
4 CONVICTED OF CRUELTY TO A SERVICE ANIMAL PURSUANT TO PARAGRAPH
5 (c) OF SUBSECTION (1.5) OF THIS SECTION, HE OR SHE SHALL BE ORDERED
6 TO MAKE RESTITUTION TO THE AGENCY OWNING THE ANIMAL AND
7 EMPLOYING THE PEACE OFFICER [REDACTED] FOR ANY VETERINARY BILLS AND
8 REPLACEMENT COSTS OF THE ANIMAL IF IT IS DISABLED OR KILLED AS A
9 RESULT OF THE CRUELTY TO ANIMALS INCIDENT.

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

12 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
13 **- cruelty to a service animal - restitution.** (4) IF, IN THE OPINION OF A
14 LICENSED VETERINARIAN OR A PET ANIMAL FACILITY LICENSED PURSUANT
15 TO ARTICLE 80 OF TITLE 35, C.R.S., A SERVICE ANIMAL IS EXPERIENCING
16 EXTREME PAIN OR SUFFERING, IS SEVERELY INJURED PAST RECOVERY, OR
17 SEVERELY DISABLED PAST RECOVERY, THE ANIMAL MAY BE EUTHANIZED
18 BY A PEACE OFFICER OR LICENSED VETERINARIAN WITHOUT A COURT
19 ORDER.

20 **SECTION 5. Act subject to petition - effective date.** This act
21 shall take effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part shall not take effect

1 unless approved by the people at the general election to be held in
2 November 2012 and shall take effect on the date of the official
3 declaration of the vote thereon by the governor.