

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0433.01 Richard Sweetman x4333

HOUSE BILL 12-1087

HOUSE SPONSORSHIP

Labuda,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AN ON-LINE REGISTRY OF PERSONS WHO ARE CONVICTED
102 OF CERTAIN CRIMES AGAINST 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 creates within the department of public safety (department) the on-line animal abusers registry (registry), which shall make available to the general public on an internet web site the identities of persons who have been convicted of cruelty to animals, cruelty to a service animal, aggravated cruelty to animals, or animal fighting (an

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.

animal abuse crime).

A person 18 years of age or older who is convicted of, or who enters a plea of guilty or nolo contendere to, an animal abuse crime shall submit to the registry electronically or in person within 5 business days following his or her conviction:

- (a) His or her name;
- (b) Any aliases he or she is known to have;
- (c) His or her residential address; and
- (d) A photograph of his or her head and shoulders from the front.

Upon receipt of the information, using procedures established by rules promulgated by the executive director of the department (executive director) or his or her designee, the administrator of the registry (administrator) shall immediately confirm that the information describes a person who has been convicted of an animal abuse crime. Upon acquiring such confirmation, the administrator shall add the person, including all of the information submitted by the person, to the registry and include the person in the registry for a period of 5 years.

If a person who is registered as a convicted animal abuser in the registry changes his or her residential address, he or she shall notify the registry of the change within 3 business days.

The executive director or his or her designee shall promulgate rules to implement the registry, including but not limited to rules for the confirmation of registrants' personal information.

The executive director, or his or her designee, shall contract with a nonprofit agency for the creation and maintenance of the registry. The terms of the contract shall ensure that the nonprofit agency bears the entire cost of the creation and maintenance of the registry.

If the executive director or his or her designee is unable to identify a nonprofit agency with which to contract for the creation and maintenance of the registry, the requirements described in the bill shall not apply to any person.

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

2 **ARTICLE 24**

3 **On-line Animal Abusers Registry Act**

4 **SECTION 1.** In Colorado Revised Statutes, **add** article 24 to title
5 16 as follows:

6 **16-24-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
7 BE CITED AS THE "ON-LINE ANIMAL ABUSERS REGISTRY ACT".

1 **16-24-102. On-line animal abusers registry - creation -**
2 **confirmation of registrant information - rules.** (1) THERE IS HEREBY
3 CREATED WITHIN THE DEPARTMENT OF PUBLIC SAFETY THE ON-LINE
4 ANIMAL ABUSERS REGISTRY, OR "REGISTRY", WHICH SHALL MAKE
5 AVAILABLE TO THE GENERAL PUBLIC ON AN INTERNET WEB SITE THE
6 IDENTITIES OF PERSONS WHO ARE CONVICTED OF:

7 (a) CRUELTY TO ANIMALS, CRUELTY TO A SERVICE ANIMAL, OR
8 AGGRAVATED CRUELTY TO ANIMALS, AS DESCRIBED IN SECTION 18-9-202,
9 C.R.S.; OR

10 (b) ANIMAL FIGHTING, AS DESCRIBED IN SECTION 18-9-204, C.R.S.

11 (2) (a) A PERSON EIGHTEEN YEARS OF AGE OR OLDER WHO IS
12 CONVICTED OF, OR WHO ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE
13 TO, A CHARGE OF CRUELTY TO ANIMALS, CRUELTY TO A SERVICE ANIMAL,
14 OR AGGRAVATED CRUELTY TO ANIMALS, AS DESCRIBED IN SECTION
15 18-9-202, C.R.S., OR ANIMAL FIGHTING, AS DESCRIBED IN SECTION
16 18-9-204, C.R.S., SHALL REGISTER ELECTRONICALLY OR IN PERSON WITHIN
17 FIVE BUSINESS DAYS FOLLOWING HIS OR HER CONVICTION AS A CONVICTED
18 ANIMAL ABUSER AT THE ON-LINE ANIMAL ABUSERS REGISTRY CREATED
19 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

20 (b) FOR THE PURPOSE OF SATISFYING THE REQUIREMENT
21 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2), A CONVICTED
22 ANIMAL ABUSER SHALL SUBMIT TO THE ON-LINE ANIMAL ABUSERS
23 REGISTRY:

- 24 (I) HIS OR HER NAME;
- 25 (II) ANY ALIASES HE OR SHE IS KNOWN TO HAVE;
- 26 (III) HIS OR HER RESIDENTIAL ADDRESS; AND
- 27 (IV) A PHOTOGRAPH OF HIS OR HER HEAD AND SHOULDERS FROM

1 THE FRONT.

2 (3) UPON RECEIPT OF THE INFORMATION DESCRIBED IN PARAGRAPH
3 (b) OF SUBSECTION (2) OF THIS SECTION, THE ADMINISTRATOR OF THE
4 ON-LINE ANIMAL ABUSERS REGISTRY SHALL:

5 (a) USING THE RULES PROMULGATED PURSUANT TO SUBSECTION
6 (6) OF THIS SECTION, CONFIRM THAT THE INFORMATION DESCRIBES A
7 PERSON WHO HAS BEEN CONVICTED OF AN OFFENSE DESCRIBED IN
8 SUBSECTION (1) OF THIS SECTION;

9 (b) UPON ACQUIRING SUCH CONFIRMATION, ADD THE PERSON,
10 INCLUDING ALL OF THE INFORMATION SUBMITTED BY THE PERSON
11 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, TO THE
12 REGISTRY; AND

13 (c) INCLUDE THE PERSON IN THE REGISTRY FOR A PERIOD OF FIVE
14 YEARS, AFTER WHICH TIME THE ADMINISTRATOR OF THE ON-LINE ANIMAL
15 ABUSERS REGISTRY SHALL REMOVE THE PERSON FROM THE REGISTRY.

16 (4) IF A PERSON WHO IS REGISTERED AS A CONVICTED ANIMAL
17 ABUSER IN THE ON-LINE ANIMAL ABUSERS REGISTRY PURSUANT TO THIS
18 SECTION CHANGES HIS OR HER RESIDENTIAL ADDRESS, HE OR SHE SHALL
19 NOTIFY THE REGISTRY OF SUCH CHANGE WITHIN THREE BUSINESS DAYS.

20 (5) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR HIS OR
21 HER DESIGNEE, SHALL CONTRACT WITH A NONPROFIT AGENCY FOR THE
22 CREATION AND MAINTENANCE OF THE ON-LINE ANIMAL ABUSERS REGISTRY
23 DESCRIBED IN THIS SECTION. THE TERMS OF THE CONTRACT SHALL ENSURE
24 THAT THE NONPROFIT AGENCY BEARS THE ENTIRE COST OF THE CREATION
25 AND MAINTENANCE OF THE REGISTRY.

26 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR OF
27 SECTION 18-9-202 (4) OR 18-9-204 (5), C.R.S., TO THE CONTRARY, IF THE

1 EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR HIS OR HER DESIGNEE, IS
2 UNABLE TO IDENTIFY A NONPROFIT AGENCY WITH WHICH TO CONTRACT
3 FOR THE PURPOSE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5),
4 THE REQUIREMENTS DESCRIBED IN THIS SECTION SHALL NOT APPLY TO ANY
5 PERSON.

6 (6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR HIS OR HER
7 DESIGNEE, SHALL PROMULGATE RULES TO IMPLEMENT THIS SECTION,
8 INCLUDING BUT NOT LIMITED TO RULES FOR CONFIRMING THE ACCURACY
9 OF REGISTRANTS' PERSONAL INFORMATION, AS DESCRIBED IN PARAGRAPH
10 (a) OF SUBSECTION (3) OF THIS SECTION.

11 **SECTION 2.** In Colorado Revised Statutes, 18-9-202, **add** (4) as
12 follows:

13 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
14 **- cruelty to a service animal - restitution - registration as a convicted**
15 **animal abuser.** (4) (a) A PERSON EIGHTEEN YEARS OF AGE OR OLDER
16 WHO IS CONVICTED OF CRUELTY TO ANIMALS, CRUELTY TO A SERVICE
17 ANIMAL, OR AGGRAVATED CRUELTY TO ANIMALS, AS DESCRIBED IN THIS
18 SECTION, SHALL REGISTER ELECTRONICALLY OR IN PERSON AS A
19 CONVICTED ANIMAL ABUSER AT THE ON-LINE ANIMAL ABUSERS REGISTRY
20 CREATED PURSUANT TO SECTION 16-24-102, C.R.S., WITHIN FIVE BUSINESS
21 DAYS FOLLOWING HIS OR HER CONVICTION.

22 (b) A PERSON WHO FAILS TO COMPLY WITH THE PROVISIONS OF
23 PARAGRAPH (a) OF THIS SUBSECTION (4) COMMITS A CLASS 2
24 MISDEMEANOR.

25 **SECTION 3.** In Colorado Revised Statutes, 18-9-204, **add** (5) as
26 follows:

27 **18-9-204. Animal fighting - penalty - registration as a**

1 **convicted animal abuser.** (5) (a) A PERSON EIGHTEEN YEARS OF AGE OR
2 OLDER WHO IS CONVICTED OF, OR WHO ENTERS A PLEA OF GUILTY OR NOLO
3 CONTENDERE TO, A CHARGE OF ANIMAL FIGHTING, AS DESCRIBED IN THIS
4 SECTION, SHALL REGISTER ELECTRONICALLY OR IN PERSON AS A
5 CONVICTED ANIMAL ABUSER AT THE ON-LINE ANIMAL ABUSERS REGISTRY
6 CREATED PURSUANT TO SECTION 16-24-102, C.R.S., WITHIN FIVE BUSINESS
7 DAYS FOLLOWING HIS OR HER CONVICTION.

8 (b) A PERSON WHO FAILS TO COMPLY WITH THE PROVISIONS OF
9 PARAGRAPH (a) OF THIS SUBSECTION (5) COMMITS A CLASS 2
10 MISDEMEANOR.

11 **SECTION 4. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2012 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.