

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0413.02 Bart Miller x2173

HOUSE BILL 13-1125

HOUSE SPONSORSHIP

Sonnenberg,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON THE IMPOUNDMENT OF LIVESTOCK**
102 **WITHOUT A DETERMINATION BY A LICENSED VETERINARIAN**
103 **THAT THE IMPOUNDMENT IS NECESSARY TO PRESERVE THE LIFE**
104 **OF THE ANIMAL.**

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>.)

This bill prohibits the impoundment of livestock unless a licensed veterinarian determines in writing based on an inspection of the livestock

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.

that the impoundment is necessary to preserve the life of the animal.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-202, **amend**
3 (1.8); and **add** (1.9) as follows:

4 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
5 **- cruelty to a service animal - restitution.** (1.8) A peace officer having
6 authority to act under this section may take possession of and impound an
7 animal, EXCEPT LIVESTOCK, that the peace officer has probable cause to
8 believe is a victim of a violation of subsection (1) or (1.5) of this section
9 or is a victim of a violation of section 18-9-204 and as a result of the
10 violation is endangered if it remains with the owner or custodian. If, in
11 the opinion of a licensed veterinarian, an animal impounded pursuant to
12 this subsection (1.8) is experiencing extreme pain or suffering, or is
13 severely injured past recovery, severely disabled past recovery, or
14 severely diseased past recovery, the animal may be euthanized without a
15 court order.

16 (1.9) A PEACE OFFICER HAVING AUTHORITY TO ACT UNDER THIS
17 SECTION MAY TAKE POSSESSION OF AND IMPOUND LIVESTOCK THAT THE
18 PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE IS A VICTIM OF A
19 VIOLATION OF SUBSECTION (1) OR (1.5) OF THIS SECTION AND AS A RESULT
20 OF THE VIOLATION IS ENDANGERED IF IT REMAINS WITH THE OWNER OR
21 CUSTODIAN. FOR PURPOSES OF THIS SUBSECTION (1.9), PROBABLE CAUSE
22 EXISTS ONLY IF A LICENSED VETERINARIAN CONDUCTS AN INSPECTION OF
23 THE LIVESTOCK IN QUESTION AND DETERMINES IN WRITING THAT THE
24 IMPOUNDMENT IS NECESSARY TO PRESERVE THE LIFE OF THE ANIMAL. IF,
25 IN THE OPINION OF A LICENSED VETERINARIAN, AN ANIMAL IMPOUNDED

1 PURSUANT TO THIS SUBSECTION (1.9) IS NEAR DEATH OR IF THE OWNER
2 CONSENTS THE ANIMAL MAY BE EUTHANIZED WITHOUT A COURT ORDER.

3 **SECTION 2. Act subject to petition - effective date -**
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
5 the expiration of the ninety-day period after final adjournment of the
6 general assembly (August 7, 2013, if adjournment sine die is on May 8,
7 2013); except that, if a referendum petition is filed pursuant to section 1
8 (3) of article V of the state constitution against this act or an item, section,
9 or part of this act within such period, then the act, item, section, or part
10 will not take effect unless approved by the people at the general election
11 to be held in November 2014 and, in such case, will take effect on the
12 date of the official declaration of the vote thereon by the governor.

13 (2) This act applies to the impoundment of livestock on or after
14 the applicable effective date of this act.