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HOUSE BILL 19-1180

BY REPRESENTATIVE(S) Geitner, Bird, Bockenfeld, Buentello, Duran, Gray, Titone, Van Winkle, Becker; also SENATOR(S) Gardner and Lee, Coram, Donovan, Hisey, Lundein, Marble, Pettersen, Priola, Rankin, Rodriguez, Smallwood, Sonnenberg, Tate, Todd, Winter, Woodward.

CONCERNING THE CLARIFICATION OF THE DEFINITION OF A POLICE WORKING HORSE FOR THE PURPOSE OF CRUELTY TO ANIMALS.

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

SECTION 1. In Colorado Revised Statutes, 18-9-201, **amend** (2), (2.4), and (4.7) as follows:

18-9-201. Definitions. As used in this part 2, unless the context otherwise requires:

(2) "Animal" means any living dumb creature, including a certified police working dog, a ~~certified~~ police working horse, and a service animal as those terms are defined, respectively, in subsections (2.3), (2.4), and (4.7) of this section.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2.4) "~~Certified police~~ "POLICE working horse" means a horse that has ~~current certification from a state or national agency or an association that certifies police working horses, and that is part of~~ IS CURRENTLY WORKING FULL TIME OR PART TIME AS PART OF a working law enforcement team AND HAS MET THE STANDARDS OF THE LAW ENFORCEMENT TEAM TO WORK IN SUCH CAPACITY.

(4.7) "Service animal" means any animal, the services of which are used to aid the performance of official duties by a fire department, fire protection district, or governmental search and rescue agency. Unless otherwise specified, "service animal" does not include a "certified police working dog" or a "~~certified police~~ "POLICE working horse" as defined in subsections (2.3) and (2.4) of this section.

SECTION 2. In Colorado Revised Statutes, 18-9-202, **amend** (1.5)(c), (2)(a), (2)(a.5)(V), and (2)(d)(II) as follows:

18-9-202. Cruelty to animals - aggravated cruelty to animals - service animals. (1.5) (c) A person commits cruelty to a service animal or a certified police working dog or ~~certified~~ police working horse if he or she violates the provisions of subsection (1) of this section with respect to a service animal, certified police working dog, or ~~certified~~ police working horse, as those terms are defined in section 18-9-201 (2.3), (2.4), and (4.7), whether the service animal, certified police working dog, or ~~certified~~ police working horse is on duty or not on duty.

(2) (a) Except as otherwise provided in subsection (2)(b) of this section, cruelty to animals, or cruelty to a service animal or certified police working dog or ~~certified~~ police working horse pursuant to subsection (1.5)(c) of this section, is a class 1 misdemeanor.

(a.5) (V) In addition to any other sentence imposed upon a person for a violation of any criminal law under this title 18, any person convicted of a second or subsequent conviction for any crime, the underlying factual basis of which has been found by the court to include an act of cruelty to animals, or cruelty to a service animal or a certified police working dog or ~~certified~~ police working horse pursuant to subsection (1.5)(c) of this section, is required to pay a mandatory minimum fine of one thousand dollars and is required to complete an anger management treatment program or any other appropriate treatment program.

(d) (II) If a person is convicted of cruelty to a certified police working dog or certified police working horse pursuant to subsection (1.5)(c) of this section, the court shall order him or her to make restitution to the agency or individual owning the certified police working dog or certified police working horse for all expenses, including any immediate and ongoing veterinary expenses related to the incident, and replacement costs for the certified police working dog or certified police working horse if it is permanently disabled or killed as a result of the cruelty to animals incident. If the court finds that the person who is convicted of cruelty to a certified police working dog or certified police working horse pursuant to subsection (1.5)(c) of this section did so with malicious intent, the person shall additionally make restitution to the agency or individual owning the certified police working dog or certified police working horse for all training and certification costs related to the certified police working dog or certified police working horse.

SECTION 3. In Colorado Revised Statutes, 18-9-209, **amend** (1) as follows:

18-9-209. Immunity for reporting cruelty to animals - false report - penalty. (1) Except as otherwise provided in subsection (2) of this section, a person who, in good faith, reports a suspected incident of cruelty to animals, service animals, or certified police working dogs or certified police working horses, as described in section 18-9-202, to a local law enforcement agency or to the state bureau of animal protection is immune from civil liability for reporting the incident.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO