

## ANIMAL PROTECTION LAWS OF COLORADO



# Animal Protection Laws of Colorado

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*This chapter contains Colorado’s general animal protection and related statutes with an effective date on or before September 1, 2020. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*Colorado may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

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## COLORADO

<p><b>1. <u>DEFINITION OF "ANIMAL"</u></b></p>	<p>"[A]ny living dumb creature, including a service animal"  <b>COLO. REV. STAT. § 18-9-201</b></p> <p>"[A]ny living dumb creature"  <b>COLO. REV. STAT. § 35-42-103(3)</b></p>
<p><b>2. <u>GENERAL CRUELTY *</u></b></p>	<p>Definitions  <b>COLO. REV. STAT. § 18-9-201</b></p> <p>General cruelty to animals  <b>COLO. REV. STAT. § 18-9-202</b>  <i>1<sup>st</sup> offense: Class 1 misdemeanor</i>  <i>Subsequent offenses: Class 6 felony</i></p> <p>Intentional abandonment of a dog or cat  <b>COLO. REV. STAT. § 18-9-202</b>  <i>Class 1 misdemeanor</i></p> <p>Aggravated cruelty to animals  <b>COLO. REV. STAT. § 18-9-202</b>  <i>1<sup>st</sup> offense: Class 6 felony</i>  <i>Subsequent offenses: Class 5 felony</i></p> <p>Legislative declaration - Livestock  <b>COLO. REV. STAT. § 35-42-102</b></p> <p>Definitions - Livestock  <b>COLO. REV. STAT. § 35-42-103</b></p> <p>Care of confined animal - Livestock  <b>COLO. REV. STAT. § 35-42-108(1)</b>  <i>Civil</i></p> <p>Mistreatment or neglect of an animal - Livestock  <b>COLO. REV. STAT. § 35-42-109(1)</b>  <i>Civil</i></p>

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<p><b>3. <u>EXEMPTIONS</u></b></p>	<p>Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, pest control, rodeo, other  <b>COLO. REV. STAT. §§ 18-9-201.5; 18-9-202(2)(a.5)(VII),(2.5),(3); 19-2-918.5(5)</b></p> <p>Research animals, wildlife, accepted farm animal husbandry practices, zoos/circuses, other  <b>COLO. REV. STAT. § 35-42-104</b></p>
<p><b>4. <u>FIGHTING &amp; RACKETEERING</u></b></p>	<p>Various animal fighting activities  <b>COLO. REV. STAT. §§ 18-9-204, 18-9-205</b>  <i>1<sup>st</sup> offense: Class 5 felony</i>  <i>Subsequent offenses: Class 4 felony</i>  <i>Fines collected for these offenses shall be transmitted to the county in which they occurred</i></p>
<p><b>5. <u>SEXUAL ASSAULT</u></b></p>	<p>Definitions  <b>COLO. REV. STAT. § 18-9-201(5)</b></p> <p>Sexual assault of an animal  <b>COLO. REV. STAT. § 18-9-202(1)(a)</b>  <i>First offense: Class 1 misdemeanor</i>  <i>Subsequent offenses: Class 6 felony</i></p>
<p><b>6. <u>CRUELTY TO WORKING ANIMALS</u></b></p>	<p>-----</p>
<p><b>7. <u>MAXIMUM PENALTIES &amp; STATUTE OF LIMITATIONS**</u></b></p>	<p><b><i>NOTE: Some penalties and sentence enhancements for repeat offenders are defined in substantive statutes, available in the <u>General Cruelty</u> section of this document.</i></b></p> <p>Class 1 misdemeanor  18 months prison <i>and/or</i> \$5,000 fine  <b>COLO. REV. STAT. § 18-1.3-501</b></p> <p>Class 6 felony  18 months prison <i>and/or</i> \$100,000 fine  <b>COLO. REV. STAT. § 18-1.3-401</b></p> <p>Class 5 felony</p>

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	<p>3 years prison <i>and/or</i> \$1000 fine  <b>COLO. REV. STAT. § 18-1.3-401</b></p> <p>Civil  Injunction  <b>COLO. REV. STAT. § 35-42-112</b></p> <p>Statute of Limitations  <i>Misdemeanor: 18 months</i>  <b>Colo. Rev. Stat. § 16-5-401(1)(a)</b>  <i>Felony: 3 years</i>  <b>Colo. Rev. Stat. § 16-5-401(1)(a)</b></p>
<p><b>8. <u>CROSS ENFORCEMENT &amp; REPORTING</u></b></p>	<p>Good faith reporting of animal cruelty results in immunity from civil liability.  <b>COLO. REV. STAT. § 18-9-209</b></p> <p>Officers and agents of the state bureau of animal protection, and animal control officers shall report suspected child abuse and neglect.  <b>COLO. REV. STAT. § 19-3-304</b></p>
<p><b>9. <u>VETERINARIAN REPORTING &amp; IMMUNITY</u></b></p>	<p>Veterinarians must provide animal care records to law enforcement during an animal cruelty investigation  <b>COLO. REV. STAT. § 12-315-119</b></p> <p>Veterinarians shall report suspected animal cruelty and are immune from liability in any civil or criminal action.  <b>COLO. REV. STAT. § 12-315-120</b></p> <p>Any person, including a veterinarian, who reports animal cruelty in good faith is immune from civil liability.  <b>COLO. REV. STAT. § 18-9-209</b></p> <p>The veterinary-patient-client privilege may not be asserted for the purpose of excluding or refusing evidence or testimony in a prosecution for animal cruelty or fighting.  <b>COLO. REV. STAT. § 24-72-204(3)(a)(XIV)</b></p>
<p><b>10. <u>LAW ENFORCEMENT POLICIES</u></b></p>	<p>Animal control officers may issue citations, summonses and</p>

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	<p>complaints.  <b>COLO. REV. STAT. § 30-15-105</b></p> <p>State bureau of animal protection  <b>COLO. REV. STAT. § 35-42-105</b></p> <p>The commissioner of the department of agriculture shall appoint such animal protection agents as are necessary to carry out the provisions of Article 42 – Animal Protection. The commissioner may appoint agents who are employees of the state, nonprofit corporations, municipal corporations, counties, cities, cities and counties, or any other local governmental entity or political subdivision of the state.  <b>COLO. REV. STAT. §§ 35-42-106, 35-42-107</b></p> <p>Any officer or agent of the bureau of animal protection may lawfully interfere to prevent the perpetration of an act of mistreatment, neglect, abandonment, or cruelty.  <b>COLO. REV. STAT. § 35-42-109(8)</b></p> <p>The commissioner shall make any investigations necessary to ensure compliance with Article 42 – Animal Protection.  <b>COLO. REV. STAT. § 35-42-111</b></p> <p>The commissioner or his designee shall enforce the provisions of this article; may issue cease-and-desist orders; and ask the court to restrain or enjoin actions that contravene Article 42 – Animal Protection. In any such action, the commissioner shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law.  <b>COLO. REV. STAT. § 35-42-112</b></p>
<p><b>11. <u>SEIZURE</u></b></p>	<p>A peace officer may impound an animal that the peace officer has probable cause to believe is a victim of animal cruelty, neglect or animal fighting.  <b>COLO. REV. STAT. § 18-9-202(1.8)</b></p> <p>Officers and agents of the bureau of animal protection, peace officers, and licensed veterinarians may enter areas or non-residence buildings to care for animals confined without adequate food or water. No liability for any such action.  <b>COLO. REV. STAT. § 35-42-108</b></p> <p>The commissioner may take charge of, provide for, or remove from the</p>

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	<p>area or building any companion animal found to be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered; livestock may similarly be treated pursuant to a court order.  <b>COLO. REV. STAT. § 35-42-109(2)(5)</b></p> <p>Any officer or agent of the bureau of animal protection may lawfully interfere to prevent the perpetration of an act of mistreatment, neglect, abandonment, or cruelty.  <b>COLO. REV. STAT. § 35-42-109(8)</b></p> <p>During regular business hours, the commissioner shall have free and unimpeded access, upon consent or upon obtaining an administrative search warrant, to all buildings, yards, pens, pastures, and other areas in which any animals are kept, handled, or transported for the purpose of carrying out any provision of Article 42 – Animal Protection – or any rule made pursuant to the article.  <b>COLO. REV. STAT. § 35-42-111(2)(a)</b></p>
<p><b><u>12. COURTROOM ANIMAL ADVOCATE PROGRAM</u></b></p>	<p>-----</p>
<p><b><u>13. PROTECTION ORDERS†</u></b></p>	<p>“Abuse of the elderly or of an at-risk adult” includes abuse or threats of violence against an animal of the elderly or at-risk adult.  <b>COLO. REV. STAT. § 13-14-101(1)(f)</b></p> <p>Domestic abuse/violence includes crimes against a person's animal.  <b>COLO. REV. STAT. §§ 13-14-101(2), 18-6-800.3</b></p> <p>Protective orders may include the animals of a protected person.  <b>COLO. REV. STAT. §§ 13-14-101(2.4), 18-6-803.5</b></p> <p>Civil and emergency protective orders may include animals of a protected person.  <b>COLO. REV. STAT. §§ 13-14-103(1)(b), 13-14-105</b></p> <p>Definition of ‘domestic violence’ includes crimes against animals</p>

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	<p>COLO. REV. STAT. § 18-6-800.3</p> <p>Harassing/injuring/being within specific distance of an animal may be a violation</p> <p>COLO. REV. STAT. § 18-6-803.5</p>
<p><b>14. <u>RESTITUTION †</u></b></p>	<p>Owner or custodian liable for costs of care and disposal of animal must file a payment for impound, care, and provision expenses as determined by the impounding agency, within 10 days of animal's seizure.</p> <p>COLO. REV. STAT. § 18-9-202.5</p> <p>Upon sale of an impounded animal, proceeds shall be used for costs of the sale and care and provision of the animal.</p> <p>COLO. REV. STAT. § 18-9-202.5</p> <p>After an animal is forfeited following conviction, the owner shall be liable for cost of care, keeping, transport, or disposal of the animal.</p> <p>COLO. REV. STAT. § 18-9-208</p> <p>Upon a judgment by the court that a person is able to adequately provide for an animal, the animal shall be returned after all reasonable expenses for care provided by the commissioner have been paid.</p> <p>COLO. REV. STAT. § 35-42-109(5)(c)</p> <p>If an animal in the custody or protection of the commissioner is ordered sold by the court, expenses for the care of the animal shall be recovered from the proceeds.</p> <p>COLO. REV. STAT. §§ 35-42-109(5)(d), (6)(a)(c)</p> <p>State animal protection fund may collect donations, proceeds from sales of animals pursuant to court order, restitutions, and general fund appropriations. Proceeds shall be used by the department of agriculture in carrying out Article 42 – Animal Protection.</p> <p>COLO. REV. STAT. § 35-42-113</p>
<p><b>15. <u>FORFEITURE &amp; POSSESSION BANS †</u></b></p>	<p>Following a felony animal cruelty conviction the defendant may not own/possess/care for a pet animal within 3-5 years, unless treatment provider makes specific recommendation to the contrary and the court agrees.</p>

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COLO. REV. STAT. § 18-9-202(2)(a.5)(V.5)

Animal shelter may dispose of animal if owner fails to post a bond for costs of impound and care, or if animal is experiencing extreme pain or suffering.

COLO. REV. STAT. § 18-9-202.5

Court may order a mistreated animal forfeited if ownership is unknown; or if owner should have known of the mistreatment of the animal and failed to take reasonable steps to prevent it; or as an element of sentencing for a violation of the animal protection laws.

COLO. REV. STAT. § 18-9-208

Permissive possession/ownership ban of a pet animal for juveniles convicted of cruelty, may be waived if treatment provider so recommends and the court agrees.

COLO. REV. STAT. § 19-2-918.5(3.5)

Definition of animal shelter

COLO. REV. STAT. § 35-42-102(1)

If a companion animal is not cared for by a person other than an agent or officer of the bureau of animal protection or a peace officer or veterinarian within 72 hours of posting notice of entry to care for the animal, the animal is presumed abandoned.

COLO. REV. STAT. § 35-42-108(4)

Failure to pay court-ordered expenses may result in disposition of a seized animal.

COLO. REV. STAT. § 35-42-109(5)

If, upon petition, a court determines that an owner of an animal seized is not able to adequately provide for the animal, or is not fit to own the animal, the court shall order the animal sold, placed for adoption, given to a shelter, humanely destroyed or otherwise disposed.

COLO. REV. STAT. § 35-42-109(6)

Injured animals may be euthanized.

COLO. REV. STAT. § 35-42-110



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### 16. COURT-ORDERED TREATMENT†

In addition to any other penalty, the court may order the offender to complete an anger management program, mental health treatment, or other appropriate treatment designed to address underlying causative factors.

COLO. REV. STAT. § 18-9-202(2)(a.5)(II)

Court shall order a pre-sentencing evaluation to determine appropriate sentence.

COLO. REV. STAT. § 18-9-202(2)(a.5)(III)

In cases involving knowing torture/torment of an animal, the court shall order a comprehensive pre-sentencing evaluation to determine causative factors. If the evaluation results in a treatment recommendation to which the court agrees, the court shall order the offender to complete the recommended anger management, mental health, or other appropriate treatment.

COLO. REV. STAT. § 18-9-202(2)(a.5)(III)

Upon successful completion of ordered treatment, the court may suspend any fine, except the mandatory \$500 minimum.

COLO. REV. STAT. § 18-9-202(2)(a.5)(IV)

Mandatory anger management or other appropriate treatment for 2<sup>nd</sup> or subsequent offense

COLO. REV. STAT. § 18-9-202(2)(a.5)(V)

Mandatory possession ban may be waived if treatment provider makes a specific recommendation and the court agrees.

COLO. REV. STAT. § 18-9-202(2)(a.5)(V.5)

Nothing in this paragraph will preclude a court from ordering treatment in any appropriate case.

COLO. REV. STAT. § 18-9-202(2)(a.5)(VI)

Juveniles adjudicated as delinquent for knowingly torturing/tormenting an animal may be required to complete anger management training or other treatment programs as determined by the court. The court may order pre-sentencing evaluation.

COLO. REV. STAT. § 19-2-918.5(1)(2)

Juveniles adjudicated as delinquent for a second or subsequent animal

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	<p>cruelty offense must undergo an anger management, mental health, or other treatment program designed to address causative factors.  <b>COLO. REV. STAT. § 19-2-918.5(3)</b></p> <p>Nothing in this section shall preclude a court from ordering treatment in any appropriate case.  <b>COLO. REV. STAT. § 19-2-918.5(4)</b></p>
<b>17. <u>HOT CARS</u></b>	<p>Civil and criminal immunity for removing animal from locked vehicle.  <b>COLO. REV. STAT. § 13-21-108.4</b></p> <p>Criminal immunity for rendering emergency aid to animal in locked vehicle.  <b>COLO. REV. STAT. § 18-1-706.5</b></p> <p>Confinement of an animal in a cruel or reckless manner constitutes animal cruelty  <b>COLO. REV. STAT. § 18-9-202</b>  <i>Class 1 misdemeanor</i></p>
<b>18. <u>CIVIL NUISANCE ABATEMENT</u></b>	-----
<b>19. <u>AG-GAG LAWS</u></b>	-----
<b>20. <u>BREED SPECIFIC LEGISLATION</u></b>	<p>A municipality's rule or law shall not regulate dangerous dogs in a manner specific to breed.  <b>COLO. REV. STAT. § 18-9-204.5(5)(a)</b></p>

- \* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.
- \*\* Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.
- † This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

## ANIMAL PROTECTION LAWS OF COLORADO

### 1. DEFINITION OF “ANIMAL”

#### COLO. REV. STAT. § 18-9-201. Definitions.

As used in in this part 2, unless the context otherwise requires:

- (1) “Abandon” means the leaving of an animal without adequate provisions for the animal’s proper care by its owner, the person responsible for the animal’s care or custody, or any other person having possession of such animal.
- (2) *“Animal” means any living dumb creature, including a certified police working dog, a 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.*
- (2.3) “Certified police working dog” means a dog that has current certification from a state or national agency or an association that certifies police working dogs, and that is part of a working law enforcement team.
- (2.4) “Police working horse” means a horse that 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.
- (2.5) “Disposal” or “disposition” means adoption of an animal; return of an animal to the owner; sale of an animal under section 18-9-202.5(4); release of an animal to a rescue group licensed pursuant to article 80 of title 35, C.R.S.; release of an animal to another pet animal facility licensed pursuant to article 80 of title 35, C.R.S., or release of an animal to a rehabilitator licensed by the parks and wildlife division or the United States fish and wildlife service; or euthanasia.
- (2.7) “Euthanasia” means to produce a humane death by techniques accepted by the American veterinary medical association.
- (2.9) *“Livestock” means bovine, camelids, caprine, equine, ovine, porcine, and poultry.*
- (3) “Mistreatment” means every act or omission that causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.
- (4) “Neglect” means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal’s health and well-being consistent with the species, breed, and type of animal.
- (4.5) “Serious physical harm”, as used in section 18-9-202, means any of the following:
  - (a) Any physical harm that carries a substantial risk of death;
  - (b) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming; or
  - (c) Any physical harm that causes acute pain of a duration that results in substantial suffering.
- (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 “police working horse” as defined in subsections (2.3) and (2.4) of this section.*
- (5) “Sexual act with an animal” means an act between a person and an animal involving direct physical contact between the genitals of one and the mouth, anus, or genitals of

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the other. A sexual act with an animal may be proven without allegation or proof of penetration. Nothing in this subsection (5) shall be construed to prohibit accepted animal husbandry practices.

### COLO. REV. STAT. § 35-42-103. Definitions.

As used in this article, unless the context otherwise requires:

- (1) "Abandon" means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody, or any other person having possession of such animal.
- (2) "Accepted animal husbandry" means practices generally recognized as appropriate in the care of animals consistent with the species, breed, and type of animal.
- (3) "*Animal*" means any living dumb creature.
- (4) "Commissioner" means the Colorado commissioner of agriculture or his designee.
- (5) "*Companion animal*" means domestic dogs, domestic cats, small pet birds, and other nonlivestock species.
- (6) "Department" means the Colorado department of agriculture.
- (7) "Division" means the division of animal industry of the department of agriculture.
- (8) "*Livestock*" means cattle, swine, sheep, goats, and such horses, mules, asses, and other animals used in the farm or ranch production of food, fiber, or other products defined by the commissioner as agricultural products.
- (9) "Mistreat" means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.
- (10) "Neglect" means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal's health and well-being consistent with the species, breed, and type of animal.

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### 2. GENERAL CRUELTY

#### COLO REV. STAT. § 18-9-201. Definitions.

As used in in this part 2, unless the context otherwise requires:

- (1) *"Abandon" means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody, or any other person having possession of such animal.*
- (2) *"Animal" means any living dumb creature, including a certified police working dog, a 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.*
- (2.3) *"Certified police working dog" means a dog that has current certification from a state or national agency or an association that certifies police working dogs, and that is part of a working law enforcement team.*
- (2.4) *"Police working horse" means a horse that 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.*
- (2.5) *"Disposal" or "disposition" means adoption of an animal; return of an animal to the owner; sale of an animal under section 18-9-202.5(4); release of an animal to a rescue group licensed pursuant to article 80 of title 35, C.R.S.; release of an animal to another pet animal facility licensed pursuant to article 80 of title 35, C.R.S., or release of an animal to a rehabilitator licensed by the parks and wildlife division or the United States fish and wildlife service; or euthanasia.*
- (2.7) *"Euthanasia" means to produce a humane death by techniques accepted by the American veterinary medical association.*
- (2.9) *"Livestock" means bovine, camelids, caprine, equine, ovine, porcine, and poultry.*
- (3) *"Mistreatment" means every act or omission that causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.*
- (4) *"Neglect" means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal's health and well-being consistent with the species, breed, and type of animal.*
- (4.5) *"Serious physical harm", as used in section 18-9-202, means any of the following:*
  - (a) *Any physical harm that carries a substantial risk of death;*
  - (b) *Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming; or*
  - (c) *Any physical harm that causes acute pain of a duration that results in substantial suffering.*
- (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 "police working horse" as defined in subsections (2.3) and (2.4) of this section.*
- (5) *"Sexual act with an animal" means an act between a person and an animal involving direct physical contact between the genitals of one and the mouth, anus, or genitals of*

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the other. A sexual act with an animal may be proven without allegation or proof of penetration. Nothing in this subsection (5) shall be construed to prohibit accepted animal husbandry practices.

### COLO. REV. STAT. § 18-9-202. Cruelty to animals--aggravated cruelty to animals--neglect of animals—offenses.

(1)

- (a) *A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overdrives, overloads, overworks, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, carries or confines in or upon any vehicles in a cruel or reckless manner, engages in a sexual act with an animal, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather consistent with the species, breed, and type of animal involved, or abandons an animal.*
- (b) *Any person who intentionally abandons a dog or cat commits the offense of cruelty to animals.*

(1.5)

- (a) *A person commits cruelty to animals if he or she recklessly or with criminal negligence tortures, needlessly mutilates, or needlessly kills an animal.*
- (b) *A person commits aggravated cruelty to animals if he or she knowingly tortures, needlessly mutilates, or needlessly kills an animal.*
- (c) *A person commits cruelty to a service animal or a certified police working dog or 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 police working horse, as those terms are defined in sections 18-9-201 (2.3), (2.4) and (4.7), whether the service animal, certified police working dog, or working horse is on duty or not on duty.*

(1.8) A peace officer having authority to act under this section may take possession of and impound an animal that the peace officer has probable cause to believe is a victim of a violation of subsection (1) or (1.5) of this section or is a victim of a violation of section 18-9-204 and as a result of the violation is endangered if it remains with the owner or custodian. If, in the opinion of a licensed veterinarian, an animal impounded pursuant to this subsection (1.8) is experiencing extreme pain or suffering, or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.

(2)

- (a) Except as otherwise provided in subsection (2)(b) of this section, cruelty to animals, or cruelty to a service animal, certified police working dog, or police

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working horse pursuant to subsection (1.5)(c) of this section, is a class 1 misdemeanor.

(a.5)

- (I) Repealed by Laws 2000, Ch. 282, § 2, eff. July 1, 2005.
- (II) In addition to any other sentence imposed for a violation of this section, the court may order an offender to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (III) The court shall order an evaluation to be conducted prior to sentencing to assist the court in determining an appropriate sentence. If the violation is a felony offense in violation of subsection (1.5) of this section, a felony offense in violation of subsection (2)(b)(II) of this section, or any other violation of this section demonstrating knowing torture or torment of an animal that needlessly injured, mutilated, or killed the animal, the court shall require a comprehensive evaluation to help determine the causative factors. The person ordered to undergo an evaluation shall be required to pay the cost of the evaluation, unless the person qualifies for a public defender, then the cost will be paid by the judicial district. If the evaluation results in a recommendation of treatment and if the court so finds, the person must be ordered to complete, as a condition of any sentence to probation or a deferred judgement or sentence, an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (IV) Upon successful completion of an anger management treatment program, a mental health treatment program, or any other appropriate treatment program, the court may suspend any fine imposed, except for a five hundred dollar mandatory minimum fine which shall be imposed at the time of sentencing.
- (V) In addition to any other sentence imposed upon a person for a violation of any criminal law under 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 certified police working dog or police working horse pursuant to subsection (1.5)(c) of this section 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.
- (V.5) In addition to any other sentence imposed for a felony conviction

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pursuant to this section, the court shall enter an order prohibiting the defendant from owning, possessing, or caring for a pet animal as defined in section 35-80-102(10) as a condition of the sentence for a period of three to five years, unless the defendant's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.

- (VI) Nothing in this paragraph (a.5) shall preclude the court from ordering treatment in any appropriate case.
  - (VII) This subsection (2)(a.5) does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted agricultural animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, the treatment of animals involved in research if the research facility is operating under rules set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, wildlife nuisances, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.
- (b)
- (I) A second or subsequent conviction under the provisions of paragraph (a) of subsection (1) of this section is a class 6 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.
  - (II) In any case where the court sentences a person convicted of a class 6 felony under the provisions of this paragraph (b) to probation, the court shall, in addition to any other condition of probation imposed, order that:
    - (A) The offender, pursuant to section 18-1.3-202(1), be committed to the county jail for ninety days; or
    - (B) The offender, pursuant to section 18-1.3-105(3), be subject to home detention for no fewer than ninety days.
  - (III) In any case where an offender is committed to the county jail or placed in home detention pursuant to subparagraph (II) of this paragraph (b), the court shall enter judgment against the offender for all costs assessed pursuant to section 18-1.3-701, including, but not limited to, the cost of care.
- (c) Aggravated cruelty to animals is a class 6 felony; except that a second or subsequent conviction for the offense of aggravated cruelty to animals is a class 5 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for purposes of this section.



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- (d)
- (I) If a person is convicted of cruelty to a service animal pursuant to paragraph (c) of subsection (1.5) of this section, the court shall order him or her to make restitution to the agency or individual owning the service animal for any veterinary bills and replacement costs of the service animal if it is disabled or killed as a result of the cruelty to animals incident.
  - (II) If a person is convicted of cruelty to a certified police working dog or 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 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 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 police working horse for all training and certification costs related to the certified police working dog or police working horse.
- (2.5) It shall be an affirmative defense to a charge brought under this section involving injury or death to a dog that the dog was found running, worrying, or injuring sheep, cattle, or other livestock.
- (3) Nothing in this part 2 modifies in any manner the authority of the parks and wildlife commission, as established in title 33, C.R.S., or prohibits any conduct authorized or permitted under title 33, C.R.S.
- (4) The short title of this section is “Punky’s Law.”

### COLO. REV. STAT. § 35-42-102. Legislative declaration.

*The general assembly hereby finds and declares that the protection of companion animals and livestock is a matter of statewide concern; and that it is the policy of this state that persons responsible for the care or custody of such animals be persons fit to adequately provide for the health and well-being of such animals.*

### COLO. REV. STAT. § 35-42-103. Definitions.

*As used in this article, unless the context otherwise requires:*

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- (1) *“Abandon” means the leaving of an animal without adequate provisions for the animal’s proper care by its owner, the person responsible for the animal’s care or custody, or any other person having possession of such animal.*
- (2) *“Accepted animal husbandry” means practices generally recognized as appropriate in the care of animals consistent with the species, breed, and type of animal.*
- (3) *“Animal” means any living dumb creature.*
- (4) *“Commissioner” means the Colorado commissioner of agriculture or his designee.*
- (5) *“Companion animal” means domestic dogs, domestic cats, small pet birds, and other nonlivestock species.*
- (6) *“Department” means the Colorado department of agriculture.*
- (7) *“Division” means the division of animal industry of the department of agriculture.*
- (8) *“Livestock” means cattle, swine, sheep, goats, and such horses, mules, asses, and other animals used in the farm or ranch production of food, fiber, or other products defined by the commissioner as agricultural products.*
- (9) *“Mistreat” means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.*
- (10) *“Neglect” means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal’s health and well-being consistent with the species, breed, and type of animal.*

### COLO. REV. STAT. § 35-42-108. Care of confined animal.

- (1) *Except as authorized by law, no animal shall be confined without an adequate supply of food and water. If any animal is found to be confined without adequate food or water, it shall be lawful for any officer or agent of the bureau, a peace officer within his jurisdiction, or a licensed veterinarian to, from time to time as may be necessary, enter into any and upon any area or building where such animal is confined and supply it with adequate food and water; except that such entry shall not be made into any building which is a person’s residence, unless by search warrant or court order.*
- (2) *Such officer, agent, peace officer, or veterinarian shall not be liable in any action for such entry.*
- (3) *Notice of the entry and care shall be given by posting such notification at an entrance to or at a conspicuous place upon such area or building where such animal is confined.*
- (4) *In the case of companion animals, if such animal is not cared for by a person other than an agent or officer of the bureau or a peace officer or veterinarian within seventy-two hours of the posting of said notification, such animal shall be presumed to have been abandoned under circumstances in which the animal’s life or health is endangered.*

### COLO. REV. STAT. § 35-42-109. Protection of animals mistreated, neglected, or abandoned.

- (1) *No animal shall be mistreated or neglected to such degree or abandoned in any*

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*circumstance so that the animal's life or health is endangered.*

- (2)
  - (a) The commissioner may take charge of, provide for, or remove from the area or building where found any companion animal found to be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered. The commissioner shall petition any court of competent jurisdiction for a prompt hearing to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal.
  - (b) Pursuant to court order, the commissioner may take charge of, provide for, or remove from the area or building where found any livestock found to be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered. The commissioner shall petition any court of competent jurisdiction for a prompt hearing to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal.
- (3)
  - (a) The commissioner shall cause to be served upon the owner:
    - (I) If the owner is known and residing within the jurisdiction wherein the animal is found, written notice at least five days prior to the hearing of the time and place of the hearing;
    - (II) If the owner is known but residing out of the jurisdiction where such animal is found or if the commissioner is unable after reasonable attempts to serve the owner, written notice by any method, including posting at least five days prior to the hearing at a place provided for public notices in the jurisdiction wherein such hearing shall be held, or service of process shall be given.
  - (b) If the owner is not known, the commissioner shall cause to be published, in a newspaper of general circulation in the jurisdiction wherein such animal is found, notice of the hearing, and shall further cause notice of the hearing to be posted at a place provided for public notices in the jurisdiction wherein such hearing shall be held, at least five days prior to the hearing.
- (4) Such hearing shall be held promptly after the date of the seizure of the animal.
- (5)
  - (a) The commissioner may, in his discretion, provide for such animal until judgment by the court.
  - (b) The court may order the animal sold and the proceeds deposited in the registry of the court pending a decision.
  - (c) The court may adjudge that the owner is a person able to adequately provide for such animal and a person fit to own the animal, in which case the animal shall be returned to the owner after all reasonable expenses of any food, shelter, and care provided by the commissioner have been paid; except that, if such expenses are not paid within ten days of a court order adjudging the owner a person able

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to adequately provide for such animal and a person fit to own the animal, the commissioner may, in his discretion and without liability, dispose of the animal by selling it at public auction, placing it for adoption in a suitable home, giving it to a suitable animal shelter, or humanely destroying it as deemed proper by the commissioner.

- (d) With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds shall be paid into the estray fund, created pursuant to section 35-41-102.
  - (e) At least six days prior to disposing of the animal, the commissioner shall provide written notice to the owner at his last-known address of the time and place of the disposition of the animal.
- (6)
- (a) If the owner is adjudged by the court a person unable to adequately provide for the animal or a person not fit to own the animal, then the court shall order that the animal be:
    - (I) Sold by the commissioner at public auction;
    - (II) Placed for adoption in a suitable home;
    - (III) Given to a suitable animal shelter;
    - (IV) Humanely destroyed as deemed proper by the court; or
    - (V) Disposed of in any other manner as deemed proper by the court.
  - (b) In no case shall the person adjudged unable to adequately provide for the animal or unfit to own the animal be allowed to purchase directly or indirectly the animal at any sale.
  - (c) With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, with the remaining proceeds, if any, being paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds shall be paid into the estray fund, created pursuant to section 35-41-102.
- (7) Nothing in this section shall be construed to prohibit the destruction of an animal as provided in section 35-42-110.
- (8) Any officer or agent of the bureau may lawfully interfere to prevent the perpetration of an act of mistreatment, neglect, abandonment, or cruelty, pursuant to part 2 of article 9 of title 18, C.R.S., which act occurs in his presence.

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### 3. EXEMPTIONS

#### COLO. REV. STAT. § 18-9-201.5. Scope of part 2.

- (1) *Nothing in this part 2 shall affect accepted animal husbandry practices utilized by any person in the care of companion or livestock animals or in the extermination of undesirable pests as defined in articles 7, 10, and 43 of title 35, COLO. REV. STAT. ANN.*
- (2) *In case of any conflict between this part 2 or section 35-43-126, COLO. REV. STAT. ANN., and the wildlife statutes of the state, said wildlife statutes shall control.*
- (3) *Nothing in this part 2 shall affect animal care otherwise authorized by law.*
- (4) *Nothing in this part 2 shall affect facilities licensed under the provisions of the federal "Animal Welfare Act of 1970", 7 U.S.C. sec. 2131 et seq., as amended.*

#### COLO. REV. STAT. § 18-9-202. Cruelty to animals--aggravated cruelty to animals--neglect of animals—offenses.

- (1)
  - (a) A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overdrives, overloads, overworks, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, carries or confines in or upon any vehicles in a cruel or reckless manner, engages in a sexual act with an animal, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather consistent with the species, breed, and type of animal involved, or abandons an animal.
  - (b) Any person who intentionally abandons a dog or cat commits the offense of cruelty to animals.
- (1.5)
  - (a) A person commits cruelty to animals if he or she recklessly or with criminal negligence tortures, needlessly mutilates, or needlessly kills an animal.
  - (b) A person commits aggravated cruelty to animals if he or she knowingly tortures, needlessly mutilates, or needlessly kills an animal.
  - (c) A person commits cruelty to a service animal or a certified police working dog or 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 police working horse, as those terms are defined in sections 18-9-201 (2.3), (2.4) and (4.7), whether the service animal, certified police working dog, or working horse is on duty or not on duty.
- (1.8) A peace officer having authority to act under this section may take possession of and impound an animal that the peace officer has probable cause to believe is a victim of

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- a violation of subsection (1) or (1.5) of this section or is a victim of a violation of section 18-9-204 and as a result of the violation is endangered if it remains with the owner or custodian. If, in the opinion of a licensed veterinarian, an animal impounded pursuant to this subsection (1.8) is experiencing extreme pain or suffering, or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.
- (2)
- (a) Except as otherwise provided in subsection (2)(b) of this section, cruelty to animals, or cruelty to a service animal, certified police working dog, or police working horse pursuant to subsection (1.5)(c) of this section, is a class 1 misdemeanor.
- (a.5)
- (I) Repealed by Laws 2000, Ch. 282, § 2, eff. July 1, 2005.
  - (II) In addition to any other sentence imposed for a violation of this section, the court may order an offender to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
  - (III) The court shall order an evaluation to be conducted prior to sentencing to assist the court in determining an appropriate sentence. If the violation is a felony offense in violation of subsection (1.5) of this section, a felony offense in violation of subsection (2)(b)(II) of this section, or any other violation of this section demonstrating knowing torture or torment of an animal that needlessly injured, mutilated, or killed the animal, the court shall require a comprehensive evaluation to help determine the causative factors. The person ordered to undergo an evaluation shall be required to pay the cost of the evaluation, unless the person qualifies for a public defender, then the cost will be paid by the judicial district. If the evaluation results in a recommendation of treatment and if the court so finds, the person must be ordered to complete, as a condition of any sentence to probation or a deferred judgement or sentence, an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
  - (IV) Upon successful completion of an anger management treatment program, a mental health treatment program, or any other appropriate treatment program, the court may suspend any fine imposed, except for a five hundred dollar mandatory minimum fine which shall be imposed at the time of sentencing.
  - (V) In addition to any other sentence imposed upon a person for a

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violation of any criminal law under 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 certified police working dog or police working horse pursuant to subsection (1.5)(c) of this section 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.

(V.5) In addition to any other sentence imposed for a felony conviction pursuant to this section, the court shall enter an order prohibiting the defendant from owning, possessing, or caring for a pet animal as defined in section 35-80-102(10) as a condition of the sentence for a period of three to five years, unless the defendant's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.

(VI) Nothing in this paragraph (a.5) shall preclude the court from ordering treatment in any appropriate case.

(VII) *This subsection (2)(a.5) does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted agricultural animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, the treatment of animals involved in research if the research facility is operating under rules set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, wildlife nuisances, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.*

(e)

(I) A second or subsequent conviction under the provisions of paragraph (a) of subsection (1) of this section is a class 6 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.

(II) In any case where the court sentences a person convicted of a class 6 felony under the provisions of this paragraph (b) to probation, the court shall, in addition to any other condition of probation imposed, order that:

(A) The offender, pursuant to section 18-1.3-202(1), be committed to the county jail for ninety days; or

(B) The offender, pursuant to section 18-1.3-105(3), be subject

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to home detention for no fewer than ninety days.

- (III) In any case where an offender is committed to the county jail or placed in home detention pursuant to subparagraph (II) of this paragraph (b), the court shall enter judgment against the offender for all costs assessed pursuant to section 18-1.3-701, including, but not limited to, the cost of care.
- (f) Aggravated cruelty to animals is a class 6 felony; except that a second or subsequent conviction for the offense of aggravated cruelty to animals is a class 5 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for purposes of this section.
- (g)
  - (I) If a person is convicted of cruelty to a service animal pursuant to paragraph (c) of subsection (1.5) of this section, the court shall order him or her to make restitution to the agency or individual owning the service animal for any veterinary bills and replacement costs of the service animal if it is disabled or killed as a result of the cruelty to animals incident.
  - (II) If a person is convicted of cruelty to a certified police working dog or 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 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 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 police working horse for all training and certification costs related to the certified police working dog or police working horse.
- (2.5) *It shall be an affirmative defense to a charge brought under this section involving injury or death to a dog that the dog was found running, worrying, or injuring sheep, cattle, or other livestock.*
- (3) *Nothing in this part 2 modifies in any manner the authority of the parks and wildlife commission, as established in title 33, C.R.S., or prohibits any conduct authorized or permitted under title 33, C.R.S.*
- (4) The short title of this section is “Punky’s Law.”



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### COLO. REV. STAT. § 19-2-918.5. Sentencing—animal cruelty—anger management treatment.

- (1) In addition to any sentence imposed pursuant to this section, any juvenile who has been adjudicated a juvenile delinquent for the commission of cruelty to animals, as described in section 18-9-202, in which the underlying factual basis of which has been found by the court to include the knowing or intentional torture or torment of an animal that needlessly injured, mutilated, or killed an animal, may be ordered to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (2) The court may order an evaluation to be conducted prior to disposition if an evaluation would assist the court in determining an appropriate disposition. The parents or legal guardian of the juvenile ordered to undergo an evaluation shall be required to pay the cost of the evaluation. If the evaluation results in a recommendation of treatment and if the court so finds, the juvenile must be ordered to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (3) The disposition for any juvenile who has been adjudicated a juvenile delinquent a second or subsequent time, the underlying factual basis of which has been found by the court to include an act of cruelty to animals, as described in section 18-9-202, must include the completion of an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (3.5) In addition to any sentence imposed pursuant to this section for any juvenile who has been adjudicated a juvenile delinquent for the commission of cruelty to animals, as described in section 18-9-202, the court may enter an order prohibiting the juvenile or other party from owning, possessing, or caring for a pet animal as defined in section 35-80-102(10), unless the juvenile's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.
- (4) Nothing in this section shall preclude the court from ordering treatment in any appropriate case.
- (5) *This section does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, the treatment of animals involved in research if the research facility is operating under rules and regulations set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.*

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### COLO. REV. STAT. § 35-42-104. Scope of article.

- (1) *Nothing in this article shall affect accepted animal husbandry practices utilized by any person in the care of companion or livestock animals, or in the extermination of undesirable pests as defined in articles 7, 10, and 43 of this title.*
- (2) *In case of any conflict between this article or regulations adopted pursuant to this article or section 35-43-126 and the wildlife statutes of the state, said wildlife statutes shall control.*
- (3) *Nothing in this article shall affect animal care otherwise authorized by law.*
- (4) *Nothing in this article shall affect facilities licensed under the provisions of the federal "Animal Welfare Act of 1970", 7 U.S.C. sec. 2131 et seq., as amended.*

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## 4. FIGHTING AND RACKETEERING

**COLO. REV. STAT. § 18-9-204. Animal fighting—penalty.**

- (1)
- (a) *No person shall cause, sponsor, arrange, hold, or encourage a fight between animals for the purpose of monetary gain or entertainment.*
  - (b) *For the purposes of this section, a person encourages a fight between animals for the purpose of monetary gain or entertainment if he or she:*
    - (I) *Is knowingly present at or wagers on such a fight;*
    - (II) *Owns, trains, transports, possesses, breeds, sells, transfers, or equips an animal with the intent that such animal will be engaged in such a fight;*
    - (III) *Knowingly allows any such fight to occur on any property owned or controlled by him;*
    - (IV) *Knowingly allows any animal used for such a fight to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by him;*
    - (V) *Knowingly uses any means of communication for the purpose of promoting such a fight; or*
    - (VI) *Knowingly possesses any animal used for such a fight or any device intended to enhance the animal's fighting ability.*
- (2)
- (a) *Except as described in paragraph (b) of this subsection (2), a person who violates the provisions of this section commits a class 5 felony and, in addition to the punishment provided in section 18-1.3-401, the court shall impose upon the person a mandatory fine of at least one thousand dollars.*
  - (b) *(b)A person who commits a second or subsequent violation of this section commits a class 4 felony and, in addition to the punishment provided in section 18-1.3-401, the court shall impose upon the person a mandatory fine of at least five thousand dollars.*
- (3) *Nothing in this section shall prohibit normal hunting practices as approved by the division of wildlife.*
- (4) *Nothing in this section shall be construed to prohibit the training of animals or the use of equipment in the training of animals for any purpose not prohibited by law.*

**COLO. REV. STAT. § 18-9-205. Disposition of fines.**

*Any fines collected pursuant to section 18-9-204 shall be transmitted to the state treasurer, who shall then transmit the same to the county where the offense occurred for deposit in the general fund to be used for the care of the animals involved in the offense, if required, or, if not required, for any other lawful purpose.*

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## 5 SEXUAL ASSAULT

## COLO. REV. STAT. § 18-9-201. Definitions.

As used in this part 2, unless the context otherwise requires:

- (1) "Abandon" means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody, or any other person having possession of such animal.
- (2) "Animal" means any living dumb creature, including a certified police working dog, a 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.
- (2.3) "Certified police working dog" means a dog that has current certification from a state or national agency or an association that certifies police working dogs, and that is part of a working law enforcement team.
- (2.4) "Police working horse" means a horse that 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.
- (2.5) "Disposal" or "disposition" means adoption of an animal; return of an animal to the owner; sale of an animal under section 18-9-202.5(4); release of an animal to a rescue group licensed pursuant to article 80 of title 35, C.R.S.; release of an animal to another pet animal facility licensed pursuant to article 80 of title 35, C.R.S., or release of an animal to a rehabilitator licensed by the parks and wildlife division or the United States fish and wildlife service; or euthanasia.
- (2.7) "Euthanasia" means to produce a humane death by techniques accepted by the American veterinary medical association.
- (2.9) "Livestock" means bovine, camelids, caprine, equine, ovine, porcine, and poultry.
- (3) "Mistreatment" means every act or omission that causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.
- (4) "Neglect" means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal's health and well-being consistent with the species, breed, and type of animal.
- (4.5) "Serious physical harm", as used in section 18-9-202, means any of the following:
  - (a) Any physical harm that carries a substantial risk of death;
  - (b) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming; or
  - (c) Any physical harm that causes acute pain of a duration that results in substantial suffering.
- (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 *include a "certified police working dog" or a "police working horse" as defined in subsections (2.3) and (2.4) of this section.*

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- (5) *“Sexual act with an animal” means an act between a person and an animal involving direct physical contact between the genitals of one and the mouth, anus, or genitals of the other. A sexual act with an animal may be proven without allegation or proof of penetration. Nothing in this subsection (5) shall be construed to prohibit accepted animal husbandry practices.*

### COLO. REV. STAT. § 18-9-202. Cruelty to animals--aggravated cruelty to animals--neglect of animals—offenses.

- (1)
- (a) A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overdrives, overloads, overworks, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, carries or confines in or upon any vehicles in a cruel or reckless manner, *engages in a sexual act with an animal*, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather consistent with the species, breed, and type of animal involved, or abandons an animal.
  - (b) Any person who intentionally abandons a dog or cat commits the offense of cruelty to animals.
- (1.5)
- (a) A person commits cruelty to animals if he or she recklessly or with criminal negligence tortures, needlessly mutilates, or needlessly kills an animal.
  - (b) A person commits aggravated cruelty to animals if he or she knowingly tortures, needlessly mutilates, or needlessly kills an animal.
  - (c) A person commits cruelty to a service animal or a certified police working dog or 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 police working horse, as those terms are defined in sections 18-9-201 (2.3), (2.4) and (4.7), whether the service animal, certified police working dog, or working horse is on duty or not on duty.
- (1.8) A peace officer having authority to act under this section may take possession of and impound an animal that the peace officer has probable cause to believe is a victim of a violation of subsection (1) or (1.5) of this section or is a victim of a violation of section 18-9-204 and as a result of the violation is endangered if it remains with the owner or custodian. If, in the opinion of a licensed veterinarian, an animal impounded pursuant to this subsection (1.8) is experiencing extreme pain or suffering, or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.

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(2)

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

(a.5)

- (I) Repealed by Laws 2000, Ch. 282, § 2, eff. July 1, 2005.
- (II) In addition to any other sentence imposed for a violation of this section, the court may order an offender to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (III) The court shall order an evaluation to be conducted prior to sentencing to assist the court in determining an appropriate sentence. If the violation is a felony offense in violation of subsection (1.5) of this section, a felony offense in violation of subsection (2)(b)(II) of this section, or any other violation of this section demonstrating knowing torture or torment of an animal that needlessly injured, mutilated, or killed the animal, the court shall require a comprehensive evaluation to help determine the causative factors. The person ordered to undergo an evaluation shall be required to pay the cost of the evaluation, unless the person qualifies for a public defender, then the cost will be paid by the judicial district. If the evaluation results in a recommendation of treatment and if the court so finds, the person must be ordered to complete, as a condition of any sentence to probation or a deferred judgement or sentence, an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (IV) Upon successful completion of an anger management treatment program, a mental health treatment program, or any other appropriate treatment program, the court may suspend any fine imposed, except for a five hundred dollar mandatory minimum fine which shall be imposed at the time of sentencing.
- (V) In addition to any other sentence imposed upon a person for a violation of any criminal law under 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 certified police working dog or police working horse pursuant to subsection (1.5)(c) of this section required to pay a mandatory minimum fine of one thousand dollars and is required to complete an anger

## ANIMAL PROTECTION LAWS OF COLORADO

management treatment program or any other appropriate treatment program.

- (V.5) In addition to any other sentence imposed for a felony conviction pursuant to this section, the court shall enter an order prohibiting the defendant from owning, possessing, or caring for a pet animal as defined in section 35-80-102(10) as a condition of the sentence for a period of three to five years, unless the defendant's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.
  - (VI) Nothing in this paragraph (a.5) shall preclude the court from ordering treatment in any appropriate case.
  - (VII) This subsection (2)(a.5) does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted agricultural animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, the treatment of animals involved in research if the research facility is operating under rules set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, wildlife nuisances, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.
- (b)
- (I) A second or subsequent conviction under the provisions of paragraph (a) of subsection (1) of this section is a class 6 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.
  - (II) In any case where the court sentences a person convicted of a class 6 felony under the provisions of this paragraph (b) to probation, the court shall, in addition to any other condition of probation imposed, order that:
    - (A) The offender, pursuant to section 18-1.3-202(1), be committed to the county jail for ninety days; or
    - (B) The offender, pursuant to section 18-1.3-105(3), be subject to home detention for no fewer than ninety days.
  - (III) In any case where an offender is committed to the county jail or placed in home detention pursuant to subparagraph (II) of this paragraph (b), the court shall enter judgment against the offender for all costs assessed pursuant to section 18-1.3-701, including, but not limited to, the cost of care.
- (c) Aggravated cruelty to animals is a class 6 felony; except that a second or

## ANIMAL PROTECTION LAWS OF COLORADO

subsequent conviction for the offense of aggravated cruelty to animals is a class 5 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for purposes of this section.

- (d)
- (I) If a person is convicted of cruelty to a service animal pursuant to paragraph (c) of subsection (1.5) of this section, the court shall order him or her to make restitution to the agency or individual owning the service animal for any veterinary bills and replacement costs of the service animal if it is disabled or killed as a result of the cruelty to animals incident.
  - (II) If a person is convicted of cruelty to a certified police working dog or 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 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 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 police working horse for all training and certification costs related to the certified police working dog or police working horse.
- (2.5) It shall be an affirmative defense to a charge brought under this section involving injury or death to a dog that the dog was found running, worrying, or injuring sheep, cattle, or other livestock.
- (3) Nothing in this part 2 modifies in any manner the authority of the parks and wildlife commission, as established in title 33, C.R.S., or prohibits any conduct authorized or permitted under title 33, C.R.S.
- (4) The short title of this section is "Punky's Law."



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**ANIMAL PROTECTION LAWS OF COLORADO**

**6. CRUELTY TO WORKING ANIMALS**

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## ANIMAL PROTECTION LAWS OF COLORADO

### 7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

**NOTE:** Some penalties and sentence enhancements for repeat offenders are defined in statute, available in the [General Cruelty](#) section of this document.

#### COLO. REV. STAT. § 16-5-401. Limitation for commencing criminal proceedings and juvenile delinquency proceedings.

**NOTE:** Unrelated statutory language has been omitted.

- (1)
- (a) Except as otherwise provided by statute applicable to specific offenses, delinquent acts, or circumstances, no adult person or juvenile shall be prosecuted, tried, or punished for any offense or delinquent act unless the indictment, information, complaint, or petition in delinquency is filed in a court of competent jurisdiction or a summons and complaint or penalty assessment notice is served upon the defendant or juvenile within the period of time after the commission of the offense or delinquent act as specified below:
- |  |                        |
|--|------------------------|
| Murder, kidnapping, treason, any sex offense against a child, and any forgery regardless of the penalty provided:  | No limit               |
| Attempt, conspiracy, or solicitation to commit murder;   |                        |
| attempt, conspiracy, or solicitation to commit kidnapping;   |                        |
| attempt, conspiracy, or solicitation to commit treason;  |                        |
| attempt, conspiracy, or solicitation to commit any sex offense against a child; and attempt, conspiracy, or solicitation to commit any forgery regardless of the penalty provided: | No limit               |
| Vehicular homicide, except as described in paragraph (a.5) of this subsection (1); leaving the scene of an accident that resulted in the death of a person:                        | Five years             |
| <i>Other felonies:</i>   | <i>Three years</i>     |
| <i>Misdemeanors:</i>   | <i>Eighteen months</i> |
| Class 1 and 2 misdemeanor traffic offenses:  | One year               |
| Petty offenses:  | Six months             |

\* \* \* \* \*

#### COLO. REV. STAT. § 18-1.3-401. Felonies classified--presumptive penalties.

- (1)
- (a)
- (i) As to any person sentenced for a felony committed after July 1, 1979, and before July 1, 1984, felonies are divided into five classes which are

## ANIMAL PROTECTION LAWS OF COLORADO

distinguished from one another by the following presumptive ranges of penalties which are authorized upon conviction:

**Class Presumptive Range**

- 1 Life imprisonment or death
- 2 Eight to twelve years plus one year of parole
- 3 Four to eight years plus one year of parole
- 4 Two to four years plus one year of parole
- 5 One to two years plus one year of parole

(II) As to any person sentenced for a felony committed on or after July 1, 1984, and before July 1, 1985, felonies are divided into five classes which are distinguished from one another by the following presumptive ranges of penalties which are authorized upon conviction:

**Class Presumptive Range**

- 1 Life imprisonment or death
- 2 Eight to twelve years
- 3 Four to eight years
- 4 Two to four years
- 5 One to two years

(III)

(A) As to any person sentenced for a felony committed on or after July 1, 1985, except as otherwise provided in subsection (1)(a)(III)(E) or (1)(a)(III)(F) of this section, in addition to, or in lieu of, any sentence to imprisonment, probation, community corrections, or work release, a fine within the following presumptive ranges may be imposed for the specified classes of felonies:

<b>Class</b>	<b>Minimum Sentence</b>	<b>Maximum Sentence</b>
1	No fine	No fine
2	Five thousand dollars	One million dollars
3	Three thousand dollars	Seven hundred fifty thousand dollars
4	Two thousand dollars	Five hundred thousand dollars
5	One thousand dollars	One hundred thousand dollars
6	One thousand dollars	<i>One hundred thousand dollars</i>

(A.5) Notwithstanding any provision of law to the contrary, any person who attempts to commit, conspires to commit, or commits against an elderly person any felony set forth in part 4 of article 4 of this title, part 1, 2, 3, or 5 of article 5 of this title, article 5.5 of this title, or section 11-51-603, C.R.S., shall be required to pay a mandatory and substantial fine within the limits permitted by law. However, all moneys collected from the offender shall be applied in the following order: Costs for crime victim

## ANIMAL PROTECTION LAWS OF COLORADO

compensation fund pursuant to section 24-4.1-119, C.R.S.; surcharges for victims and witnesses assistance and law enforcement fund pursuant to section 24-4.2-104, C.R.S.; restitution; time payment fee; late fees; and any other fines, fees, or surcharges. For purposes of this sub-subparagraph (A.5), an “elderly person” or “elderly victim” means a person sixty years of age or older.

- (B) Failure to pay a fine imposed pursuant to this subparagraph (III) is grounds for revocation of probation or revocation of a sentence to community corrections, assuming the defendant's ability to pay. If such a revocation occurs, the court may impose the maximum sentence allowable in the given sentencing ranges.
  - (C) Each judicial district shall have at least one clerk who shall collect and administer the fines imposed under this subparagraph (III) and under section 18-1.3-501 in accordance with the provisions of sub-subparagraph (D) of this subparagraph (III).
  - (D) All fines collected pursuant to this subparagraph (III) shall be deposited in the fines collection cash fund, which fund is hereby created. The general assembly shall make annual appropriations out of such fund for administrative and personnel costs incurred in the collection and administration of said fines. All unexpended balances shall revert to the general fund at the end of each fiscal year.
  - (E) Notwithstanding the provisions of sub-subparagraph (A) of this subparagraph (III), a person who has been twice convicted of a felony under the laws of this state, any other state, or the United States prior to the conviction for which he or she is being sentenced shall not be eligible to receive a fine in lieu of any sentence to imprisonment, community corrections, or work release but shall be sentenced to at least the minimum sentence specified in subparagraph (V) of this paragraph (a) and may receive a fine in addition to said sentence.
  - (F) On and after the effective date of this subsection (1)(a)(III)(F), if a person is convicted of second degree burglary as described in section 18-4-203(2)(c), in addition to any other sentence, the court may require the person to pay a fine of at least five thousand dollars but not exceeding seven hundred fifty thousand dollars.
- (IV) As to any person sentenced for a felony committed on or after July 1, 1985, but prior to July 1, 1993, felonies are divided into six classes which are distinguished from one another by the following presumptive ranges of penalties which are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
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## ANIMAL PROTECTION LAWS OF COLORADO

1	Life imprisonment	Death
2	Eight years imprisonment	Twenty-four years imprisonment
3	Four years imprisonment	Sixteen years imprisonment
4	Two years imprisonment	Eight years imprisonment
5	One year imprisonment	Four years imprisonment
6	One year imprisonment	Two years imprisonment

(V)

(A) Except as otherwise provided in section 18-1.3-401.5 for offenses contained in article 18 of this title 18 committed on or after October 1, 2013, as to any person sentenced for a felony committed on or after July 1, 1993, and before July 1, 2018, felonies are divided into six classes that are distinguished from one another by the following presumptive ranges of penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence	Mandatory Period of Parole
1	Life imprisonment	Death	None
2	Eight years Imprisonment	Twenty-four years imprisonment	Five Years
3	Four years Imprisonment	Twelve years imprisonment	Five years
4	Two years Imprisonment	Six years imprisonment	Three years
5	One year Imprisonment	Three years imprisonment	Two years
6	One year Imprisonment	<i>Eighteen months imprisonment</i>	One year

(A.1) Subject to the provisions of subsection (1)(a)(V)(F) of this section, as to any person sentenced for a felony committed on or after July 1, 2018, and prior to July 1, 2020, felonies are divided into six classes that are distinguished from one another by the following presumptive ranges of penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence	Mandatory Period of Parole
1	Life imprisonment	Death	None
2	Eight years Imprisonment	Twenty-four years imprisonment	Five years if the offense is a crime of violence as described in section 18-1.3-406(2) Three years if the

## ANIMAL PROTECTION LAWS OF COLORADO

			offense is not a crime of violence as described in section 18-1.3-406(2)
3	Four years Imprisonment	Twelve years imprisonment	Three years
4	Two years Imprisonment	Six years imprisonment	Three years
5	One year Imprisonment	Three years imprisonment	Two years
6	One year Imprisonment	<i>Eighteen months</i> <i>imprisonment</i>	One year

(B) Any person who is paroled pursuant to section 17-22.5-403, or any person who is not paroled and is discharged pursuant to law, shall be subject to the mandatory period of parole established pursuant to subsection (1)(a)(V)(A) or subsection (1)(a)(V)(A.1) of this section. Such mandatory period of parole may not be waived by the offender or waived or suspended by the court and shall be subject to the provisions of section 17-22.5-403(6), which permits the state board of parole to discharge the offender at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision.

(C) Notwithstanding subsection (1)(a)(V)(A) or subsection (1)(a)(V)(A.1) of this section, the mandatory period of parole for a person convicted of a felony offense committed prior to July 1, 1996, pursuant to part 4 of article 3 of this title 18, or part 3 of article 6 of this title 18, shall be five years. Notwithstanding subsection (1)(a)(V)(A) or subsection (1)(a)(V)(A.1) of this section, and except as otherwise provided in subsection (1)(a)(V)(C.5) of this section, the period of parole for a person convicted of a felony offense committed on or after July 1, 1996, but prior to July 1, 2002, pursuant to part 4 of article 3 of this title, or part 3 of article 6 of this title, shall be set by the state board of parole pursuant to section 17-2-201(5)(a.5), but in no event shall the term of parole exceed the maximum sentence imposed upon the inmate by the court.

(C.3) Deleted by Laws 2002, Ch. 48, § 1, eff. March 26, 2002.

(C.5) Notwithstanding the provisions of subsection (1)(a)(V)(A) or subsection (1)(a)(V)(A.1) of this section, any person sentenced for a sex offense, as defined in section 18-1.3-1003(5), committed on or after November 1, 1998, shall be sentenced pursuant to the

**ANIMAL PROTECTION LAWS OF COLORADO**

provisions of part 10 of this article 1.3.

- (C.7) Any person sentenced for a felony committed on or after July 1, 2002, involving unlawful sexual behavior, as defined in section 16-22-102(9), or for a felony, committed on or after July 1, 2002, the underlying factual basis of which involved unlawful sexual behavior, and who is not subject to the provisions of part 10 of this article 1.3, shall be subject to the mandatory period of parole specified in subsection (1)(a)(V)(A) or subsection (1)(a)(V)(A.1) of this section.
- (D) The mandatory period of parole imposed pursuant to subsection (1)(a)(V)(A) or subsection (1)(a)(V)(A.1) of this section shall commence immediately upon the discharge of an offender from imprisonment in the custody of the department of corrections. If the offender has been granted release to parole supervision by the state board of parole, the offender shall be deemed to have discharged the offender's sentence to imprisonment provided for in subsection (1)(a)(V)(A) or subsection (1)(a)(V)(A.1) of this section in the same manner as if such sentence were discharged pursuant to law; except that the sentence to imprisonment for any person sentenced as a sex offender pursuant to part 10 of this article 1.3 shall not be deemed discharged on release of said person on parole. When an offender is released by the state board of parole or released because the offender's sentence was discharged pursuant to law, the mandatory period of parole shall be served by such offender. An offender sentenced for nonviolent felony offenses, as defined in section 17-22.5-405(5), may receive earned time pursuant to section 17-22.5-405, while serving a mandatory parole period in accordance with this section, but not while such offender is reincarcerated after a revocation of the mandatory period of parole. An offender who is sentenced for a felony committed on or after July 1, 1993, and paroled on or after January 1, 2009, shall be eligible to receive any earned time while on parole or after reparole following a parole revocation. The offender shall not be eligible for earned time while the offender is reincarcerated after revocation of the mandatory period of parole pursuant to this subsection (1)(a)(V).
- (E) If an offender is sentenced consecutively for the commission of two or more felony offenses pursuant to subsection (1)(a)(V)(A) or subsection (1)(a)(V)(A.1) of this section, the mandatory period of parole for such offender shall be the mandatory period of parole established for the highest class felony of which such offender has been convicted.
- (F) Notwithstanding any other provision to the contrary, the

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maximum sentence for a class 1 felony that is charged after July 1, 2020, is life imprisonment.

(V.5)

(A) As to any person sentenced for a felony for an offense committed on or after July 1, 2020, felonies are divided into six classes that are distinguished from one another by the following presumptive ranges of penalties that are authorized upon conviction:

<b>Class</b>	<b>Minimum Sentence</b>	<b>Maximum Sentence</b>	<b>Mandatory Period of Parole</b>
1	Life imprisonment		None
2	Eight years Imprisonment	Twenty-four years imprisonment	Five Years if offense is a crime of violence as described in section 18–1.3–406(2) Three years if the offense is not a crime of violence as described in section 18–1.3–406(2)
3	Four years Imprisonment	Twelve years imprisonment	Three years
4	Two years Imprisonment	Six years imprisonment	Three years
5	One year Imprisonment	Three years imprisonment	Two years
6	One year Imprisonment	<i>Eighteen months imprisonment</i>	One year

(B) Any person who is paroled pursuant to section 17–22.5–403, or any person who is not paroled and is discharged pursuant to law, shall be subject to the mandatory period of parole established pursuant to subsection (1)(a)(V.5)(A) of this section. Such mandatory period of parole may not be waived by the offender or waived or suspended by the court and shall be subject to the provisions of section 17–22.5–403(8), which permits the state board of parole to discharge the offender at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision.

(C) Notwithstanding the provisions of subsection (1)(a)(V.5)(A) of this section, any person sentenced for a sex offense, as defined in section 18–1.3–1003(5), committed on or after July 1, 2020, shall be sentenced pursuant to the provisions of part 10 of this article 1.3.

(D) Any person sentenced for a felony conviction entered on or after July 1, 2020, involving unlawful sexual behavior, as defined in



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section 16–22–102(9), or for a felony committed on or after July 1, 2020, the underlying factual basis of which involved unlawful sexual behavior, and who is not subject to the provisions of part 10 of this article 1.3, shall be subject to the mandatory period of parole specified in subsection (1)(a)(V.5)(A) of this section.

(E) The mandatory period of parole imposed pursuant to subsection (1)(a)(V.5)(A) of this section shall commence immediately upon the discharge of an offender from imprisonment in the custody of the department of corrections. If the offender has been granted release to parole supervision by the state board of parole, the offender shall be deemed to have discharged the offender's sentence to imprisonment provided for in subsection (1)(a)(V.5)(A) of this section in the same manner as if such sentence were discharged pursuant to law; except that the sentence to imprisonment for any person sentenced as a sex offender pursuant to part 10 of this article 1.3 shall not be deemed discharged on release of said person on parole. When an offender is released by the state board of parole or released because the offender's sentence was discharged pursuant to law, the mandatory period of parole shall be served by such offender. An offender sentenced for a nonviolent felony offense, as defined in section 17–22.5–405(5), may receive earned time pursuant to section 17–22.5–405 while serving a mandatory parole period in accordance with this section, but not while such offender is reincarcerated after a revocation of the mandatory period of parole. An offender shall be eligible to receive earned time while on parole or after reparole following a parole revocation. The offender shall not be eligible for earned time while the offender is reincarcerated after revocation of the mandatory period of parole pursuant to this subsection (1)(a)(V.5).

(F) If an offender is sentenced consecutively for the commission of two or more felony offenses pursuant to subsection (1)(a)(V.5)(A) of this section, the mandatory period of parole for such offender shall be the mandatory period of parole established for the highest class felony of which such offender has been convicted.

(VI) Any person sentenced for a class 2, 3, 4, or 5 felony, or a class 6 felony that is the offender's second or subsequent felony offense, committed on or after July 1, 1998, regardless of the length of the person's sentence to incarceration and the mandatory period of parole, shall not be deemed to have fully discharged his or her sentence until said person has either completed or been discharged by the state board of parole from the mandatory period of parole imposed pursuant to subparagraph (V) of this paragraph (a).

(b)

## ANIMAL PROTECTION LAWS OF COLORADO

- (I) Except as provided in subsection (6) and subsection (8) of this section and in section 18-1.3-804, a person who has been convicted of a class 2, class 3, class 4, class 5, or class 6 felony shall be punished by the imposition of a definite sentence which is within the presumptive ranges set forth in paragraph (a) of this subsection (1). In imposing the sentence within the presumptive range, the court shall consider the nature and elements of the offense, the character and record of the offender, and all aggravating or mitigating circumstances surrounding the offense and the offender. The prediction of the potential for future criminality by a particular defendant, unless based on prior criminal conduct, shall not be considered in determining the length of sentence to be imposed.
- (II) As to any person sentenced for a felony committed on or after July 1, 1985, a person may be sentenced to imprisonment as described in subparagraph (I) of this paragraph (b) or to pay a fine that is within the presumptive ranges set forth in subparagraph (III) of paragraph (a) of this subsection (1) or to both such fine and imprisonment; except that any person who has been twice convicted of a felony under the laws of this state, any other state, or the United States prior to the conviction for which he or she is being sentenced shall not be eligible to receive a fine in lieu of any sentence to imprisonment as described in subparagraph (I) of this paragraph (b) but shall be sentenced to at least the minimum sentence specified in subparagraph (V) of paragraph (a) of this subsection (1) and may receive a fine in addition to said sentence.
  - (II.5) Notwithstanding anything in this section to the contrary, any person sentenced for a sex offense, as defined in section 18-1.3-1003(5), committed on or after November 1, 1998, may be sentenced to pay a fine in addition to, but not instead of, a sentence for imprisonment or probation pursuant to section 18-1.3-1004.
- (III) Notwithstanding anything in this section to the contrary, as to any person sentenced for a crime of violence, as defined in section 18-1.3-406, committed on or after July 1, 1985, a person may be sentenced to pay a fine in addition to, but not instead of, a sentence for imprisonment.
- (IV) If a person is convicted of assault in the first degree pursuant to section 18-3-202 or assault in the second degree pursuant to section 18-3-203(1)(c.5), and the victim is a peace officer, firefighter, or emergency medical service provider engaged in the performance of his or her duties, as defined in section 18-1.3-501(1.5)(b), notwithstanding the provisions of subparagraph (III) of paragraph (a) of this subsection (1) and subparagraph (II) of this

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paragraph (b), the court shall sentence the person to the department of corrections. In addition to a term of imprisonment, the court may impose a fine on the person pursuant to subparagraph (III) of paragraph (a) of this subsection (1).

- (c) Except as otherwise provided by statute, felonies are punishable by imprisonment in any correctional facility under the supervision of the executive director of the department of corrections. Nothing in this section shall limit the authority granted in part 8 of this article to increase sentences for habitual criminals. Nothing in this section shall limit the authority granted in parts 9 and 10 of this article to sentence sex offenders to the department of corrections or to sentence sex offenders to probation for an indeterminate term. Nothing in this section shall limit the authority granted in section 18-1.3-804 for increased sentences for habitual burglary offenders.
- (2)
- (a) A corporation which has been found guilty of a class 2 or class 3 felony shall be subject to imposition of a fine of not less than five thousand dollars nor more than fifty thousand dollars. A corporation which has been found guilty of a class 4, class 5, or class 6 felony shall be subject to imposition of a fine of not less than one thousand dollars nor more than thirty thousand dollars.
- (b) A corporation which has been found guilty of a class 2, class 3, class 4, class 5, or class 6 felony, for an act committed on or after July 1, 1985, shall be subject to imposition of a fine which is within the presumptive ranges set forth in subparagraph (III) of paragraph (a) of subsection (1) of this section.
- (3) Every person convicted of a felony, whether defined as such within or outside this code, shall be disqualified from holding any office of honor, trust, or profit under the laws of this state or from practicing as an attorney in any of the courts of this state during the actual time of confinement or commitment to imprisonment or release from actual confinement on conditions of probation. Upon his or her discharge after completion of service of his or her sentence or after service under probation, the right to hold any office of honor, trust, or profit shall be restored, except as provided in section 4 of article XII of the state constitution.
- (4)
- (a)
- (I) A person who has been convicted of a class 1 felony shall be punished by life imprisonment in the department of corrections unless the offense was charged prior to July 1, 2020, and a proceeding held to determine sentence according to the procedure set forth in section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102, results in a verdict that requires imposition of the death penalty, in which event such person shall be sentenced to death.
- (II) A person who has been convicted of a class 1 felony shall be punished by life imprisonment in the department of corrections if

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the offense was committed during a period of time when Colorado's death penalty was unconstitutional.

- (III) As to any person sentenced for a class 1 felony, for an act committed on or after July 1, 1985, and before July 1, 1990, life imprisonment shall mean imprisonment without the possibility of parole for forty calendar years. As to any person sentenced for a class 1 felony, for an act committed on or after July 1, 1990, life imprisonment shall mean imprisonment without the possibility of parole.
- (b)
    - (I) Notwithstanding the provisions of sub-subparagraph (A) of subparagraph (V) of paragraph (a) of subsection (1) of this section and notwithstanding the provisions of paragraph (a) of this subsection (4), as to a person who is convicted as an adult of a class 1 felony following direct filing of an information or indictment in the district court pursuant to section 19-2-517, C.R.S., or transfer of proceedings to the district court pursuant to section 19-2-518, C.R.S., the district court judge shall sentence the person to a term of life imprisonment with the possibility of parole after serving a period of forty years, less any earned time granted pursuant to section 17-22.5-405, C.R.S. Regardless of whether the state board of parole releases the person on parole, the person shall remain in the legal custody of the department of corrections for the remainder of the person's life and shall not be discharged.
    - (II) The provisions of this paragraph (b) shall apply to persons sentenced for offenses committed on or after July 1, 2006.
  - (c)
    - (I) Notwithstanding the provisions of sub-subparagraph (A) of subparagraph (V) of paragraph (a) of subsection (1) of this section and notwithstanding the provisions of paragraphs (a) and (b) of this subsection (4), as to a person who is convicted as an adult of a class 1 felony following a direct filing of an information or indictment in the district court pursuant to section 19-2-517, C.R.S., or transfer of proceedings to the district court pursuant to section 19-2-518, C.R.S., or pursuant to either of these sections as they existed prior to their repeal and reenactment, with amendments, by House Bill 96-1005, which felony was committed on or after July 1, 1990, and before July 1, 2006, and who received a sentence to life imprisonment without the possibility of parole:
      - (A) If the felony for which the person was convicted is murder in the first degree, as described in section 18-3-102(1)(b), then the district court, after holding a hearing, may sentence the person to

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- a determinate sentence within the range of thirty to fifty years in prison, less any earned time granted pursuant to section 17-22.5-405, C.R.S., if, after considering the factors described in subparagraph (II) of this paragraph (c), the district court finds extraordinary mitigating circumstances. Alternatively, the court may sentence the person to a term of life imprisonment with the possibility of parole after serving forty years, less any earned time granted pursuant to section 17-22.5-405, C.R.S.
- (B) If the felony for which the person was convicted is not murder in the first degree, as described in section 18-3-102(1)(b), then the district court shall sentence the person to a term of life imprisonment with the possibility of parole after serving forty years, less any earned time granted pursuant to section 17-22.5-405, C.R.S.
- (II) In determining whether extraordinary mitigating circumstances exist, the court shall conduct a sentencing hearing, make factual findings to support its decision, and consider relevant evidence presented by either party regarding the following factors:
- (A) The diminished culpability and heightened capacity for change associated with youth;
- (B) The offender's developmental maturity and chronological age at the time of the offense and the hallmark features of such age, including but not limited to immaturity, impetuosity, and inability to appreciate risks and consequences;
- (C) The offender's capacity for change and potential for rehabilitation, including any evidence of the offender's efforts toward, or amenability to, rehabilitation;
- (D) The impact of the offense upon any victim or victim's immediate family; and
- (E) Any other factors that the court deems relevant to its decision, so long as the court identifies such factors on the record.
- (III) If a person is sentenced to a determinate range of thirty to fifty years in prison pursuant to this paragraph (c), the court shall impose a mandatory period of ten years parole.
- (IV) If a person is sentenced to a term of life imprisonment with the possibility of parole after serving forty years, less any earned time granted pursuant to section 17-22.5-405, C.R.S., regardless of whether the state board of parole releases the person on parole, the person shall remain in the legal custody of the department of corrections for the remainder of his or her life and shall not be discharged.
- (5) In the event the death penalty as provided for in this section is held to be unconstitutional by the Colorado supreme court or the United States supreme court, a

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person convicted of a crime punishable by death under the laws of this state shall be punished by life imprisonment. In such circumstance, the court which previously sentenced a person to death shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment.

- (6) In imposing a sentence to incarceration, the court shall impose a definite sentence which is within the presumptive ranges set forth in subsection (1) of this section unless it concludes that extraordinary mitigating or aggravating circumstances are present, are based on evidence in the record of the sentencing hearing and the presentence report, and support a different sentence which better serves the purposes of this code with respect to sentencing, as set forth in section 18-1-102.5. If the court finds such extraordinary mitigating or aggravating circumstances, it may impose a sentence which is lesser or greater than the presumptive range; except that in no case shall the term of sentence be greater than twice the maximum nor less than one-half the minimum term authorized in the presumptive range for the punishment of the offense.
- (7) In all cases, except as provided in subsection (8) of this section, in which a sentence which is not within the presumptive range is imposed, the court shall make specific findings on the record of the case, detailing the specific extraordinary circumstances which constitute the reasons for varying from the presumptive sentence.
- (8)
  - (a) The presence of any one or more of the following extraordinary aggravating circumstances shall require the court, if it sentences the defendant to incarceration, to sentence the defendant to a term of at least the midpoint in the presumptive range but not more than twice the maximum term authorized in the presumptive range for the punishment of a felony:
    - (I) The defendant is convicted of a crime of violence under section 18-1.3-406;
    - (II) The defendant was on parole for another felony at the time of commission of the felony;
    - (III) The defendant was on probation or was on bond while awaiting sentencing following revocation of probation for another felony at the time of the commission of the felony;
    - (IV) The defendant was under confinement, in prison, or in any correctional institution as a convicted felon, or an escapee from any correctional institution for another felony at the time of the commission of a felony;
    - (V) At the time of the commission of the felony, the defendant was on appeal bond following his or her conviction for a previous felony;
    - (VI) At the time of the commission of a felony, the defendant was on probation for or on bond while awaiting sentencing following revocation of probation for a delinquent act that would have constituted a felony if committed by an adult.
  - (b) In any case in which one or more of the extraordinary aggravating circumstances provided for in paragraph (a) of this subsection (8) exist, the provisions of

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- subsection (7) of this section shall not apply.
- (c) Nothing in this subsection (8) shall preclude the court from considering aggravating circumstances other than those stated in paragraph (a) of this subsection (8) as the basis for sentencing the defendant to a term greater than the presumptive range for the felony.
- (d)
- (I) If the defendant is convicted of the class 2 or the class 3 felony of child abuse under section 18-6-401(7)(a)(I) or (7)(a)(III), the court shall be required to sentence the defendant to the department of corrections for a term of at least the midpoint in the presumptive range but not more than twice the maximum term authorized in the presumptive range for the punishment of that class felony.
  - (II) In no case shall any defendant sentenced pursuant to subparagraph (I) of this paragraph (d) be eligible for suspension of sentence or for probation or deferred prosecution.
- (e)
- (I) If the defendant is convicted of the class 2 felony of sexual assault in the first degree under section 18-3-402(3), commission of which offense occurs prior to November 1, 1998, the court shall be required to sentence the defendant to a term of at least the midpoint in the presumptive range but not more than twice the maximum term authorized in the presumptive range for the punishment of that class of felony.
  - (II) In no case shall any defendant sentenced pursuant to subparagraph (I) of this paragraph (e) be eligible for suspension of sentence or probation.
  - (III) As a condition of parole under section 17-2-201(5)(e), C.R.S., a defendant sentenced pursuant to this paragraph (e) shall be required to participate in a program of mental health counseling or receive appropriate treatment to the extent that the state board of parole deems appropriate to effectuate the successful reintegration of the defendant into the community while recognizing the need for public safety.
- (e.5) If the defendant is convicted of the class 2 felony of sexual assault under section 18-3-402(5) or the class 2 felony of sexual assault in the first degree under section 18-3-402(3) as it existed prior to July 1, 2000, commission of which offense occurs on or after November 1, 1998, the court shall be required to sentence the defendant to the department of corrections for an indeterminate sentence of at least the midpoint in the presumptive range for the punishment of that class of felony up to the defendant's natural life.
- (f) The court may consider aggravating circumstances such as serious bodily injury caused to the victim or the use of a weapon in the commission of a crime, notwithstanding the fact that such factors constitute elements of the offense.

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- (g) If the defendant is convicted of class 4 or class 3 felony vehicular homicide under section 18-3-106(1)(a) or (1)(b), and while committing vehicular homicide the defendant was in immediate flight from the commission of another felony, the court shall be required to sentence the defendant to the department of corrections for a term of at least the midpoint in the presumptive range but not more than twice the maximum term authorized in the presumptive range for the punishment of the class of felony vehicular homicide of which the defendant is convicted.
- (9) The presence of any one or more of the following sentence-enhancing circumstances shall require the court, if it sentences the defendant to incarceration, to sentence the defendant to a term of at least the minimum in the presumptive range but not more than twice the maximum term authorized in the presumptive range for the punishment of a felony:
- (a) At the time of the commission of the felony, the defendant was charged with or was on bond for a felony in a previous case and the defendant was convicted of any felony in the previous case;
  - (a) (a.5) At the time of the commission of the felony, the defendant was charged with or was on bond for a delinquent act that would have constituted a felony if committed by an adult;
  - (b) At the time of the commission of the felony, the defendant was on bond for having pled guilty to a lesser offense when the original offense charged was a felony;
  - (c) The defendant was under a deferred judgment and sentence for another felony at the time of the commission of the felony;
  - (c.5) At the time of the commission of the felony, the defendant was on bond in a juvenile prosecution under title 19, C.R.S., for having pled guilty to a lesser delinquent act when the original delinquent act charged would have constituted a felony if committed by an adult;
  - (c.7) At the time of the commission of the felony, the defendant was under a deferred judgment and sentence for a delinquent act that would have constituted a felony if committed by an adult;
  - (d) At the time of the commission of the felony, the defendant was on parole for having been adjudicated a delinquent child for an offense which would constitute a felony if committed by an adult.
- (10)
- (a) The general assembly hereby finds that certain crimes which are listed in paragraph (b) of this subsection (10) present an extraordinary risk of harm to society and therefore, in the interest of public safety, for such crimes which constitute class 3 felonies, the maximum sentence in the presumptive range shall be increased by four years; for such crimes which constitute class 4 felonies, the maximum sentence in the presumptive range shall be increased by two years; for such crimes which constitute class 5 felonies, the maximum sentence in the presumptive range shall be increased by one year; for such crimes which constitute class 6 felonies, the maximum sentence in the presumptive range shall



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be increased by six months.

(b) Crimes that present an extraordinary risk of harm to society shall include the following:

- (I) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (II) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (III) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (IV) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (V) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (VI) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (VII) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (VIII) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (IX) Aggravated robbery, as defined in section 18-4-302;
- (X) Child abuse, as defined in section 18-6-401;
- (XI) Unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance with the intent to sell, distribute, manufacture, or dispense, as defined in section 18-18-405;
- (XII) Any crime of violence, as defined in section 18-1.3-406;
- (XIII) Stalking, as described in section 18-9-111(4), as it existed prior to August 11, 2010, or section 18-3-602;
- (XIV) Sale or distribution of materials to manufacture controlled substances, as described in section 18-18-412.7;
- (XV) Felony invasion of privacy for sexual gratification, as described in section 18-3-405.6;
- (XVI) A class 3 felony offense of human trafficking for involuntary servitude, as described in section 18-3-503;
- (XVII) A class 3 felony offense of human trafficking for sexual servitude, as described in section 18-3-504; and
- (XVIII) Assault in the second degree, as described in section 18-3-203(1)(i).

(c) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.

(11) When it shall appear to the satisfaction of the court that the ends of justice and the best interest of the public, as well as the defendant, will be best served thereby, the court shall have the power to suspend the imposition or execution of sentence for such period and upon such terms and conditions as it may deem best; except that in no instance shall the court have the power to suspend a sentence to a term of incarceration when the defendant is sentenced pursuant to a sentencing provision that requires incarceration or imprisonment in the department of corrections, community corrections, or jail. In no instance shall a sentence be suspended if the defendant is ineligible for probation pursuant to section 18-1.3-201, except upon an express waiver being made by the sentencing court regarding a particular defendant upon recommendation of the district attorney and approval of such recommendation by an order of the sentencing court pursuant to section 18-1.3-201(4).

(12) Every sentence entered under this section shall include consideration of restitution as

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required by part 6 of this article and by article 18.5 of title 16, C.R.S.

(13)

(a) The court, if it sentences a defendant who is convicted of any one or more of the offenses specified in paragraph (b) of this subsection (13) to incarceration, shall sentence the defendant to a term of at least the midpoint, but not more than twice the maximum, of the presumptive range authorized for the punishment of the offense of which the defendant is convicted if the court makes the following findings on the record:

(I) The victim of the offense was pregnant at the time of commission of the offense; and

(II) The defendant knew or reasonably should have known that the victim of the offense was pregnant.

(III) Deleted by Laws 2003, Ch. 340, § 3, eff. July 1, 2003.

(b) The provisions of this subsection (13) shall apply to the following offenses:

(I) Murder in the second degree, as described in section 18-3-103;

(II) Manslaughter, as described in section 18-3-104;

(III) Criminally negligent homicide, as described in section 18-3-105;

(IV) Vehicular homicide, as described in section 18-3-106;

(V) Assault in the first degree, as described in section 18-3-202;

(VI) Assault in the second degree, as described in section 18-3-203;

(VII) Vehicular assault, as described in section 18-3-205.

(c) Notwithstanding any provision of this subsection (13) to the contrary, for any of the offenses specified in paragraph (b) of this subsection (13) that constitute crimes of violence, the court shall sentence the defendant in accordance with the provisions of section 18-1.3-406.

(14) The court may sentence a defendant to the youthful offender system created in section 18-1.3-407 if the defendant is an eligible young adult offender pursuant to section 18-1.3-407.5.

### COLO. REV. STAT. § 18-1.3-501. Misdemeanors classified--drug misdemeanors and drug petty offenses classified--penalties--definitions

(1)

(a) Except as otherwise provided in subparagraph (1)(d) of this section, misdemeanors are divided into three classes that are distinguished from one another by the following penalties that are authorized upon conviction except as provided in subsection (1.5) of this section:

Class	Minimum Sentence	Maximum Sentence
1	Six months imprisonment, or five hundred dollars fine, or	Eighteen months imprisonment, or five

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2	both Three months imprisonment, or two hundred fifty dollars fine, or both	thousand dollars fine, or both Three hundred sixty-four days imprisonment, or one thousand dollars fine, or both
3	Fifty dollars fine	Six months imprisonment, or seven hundred fifty dollars fine, or both

- (b) A term of imprisonment for conviction of a misdemeanor shall not be served in a state correctional facility unless served concurrently with a term for conviction of a felony.
- (c) A term of imprisonment in a county jail for a conviction of a misdemeanor, petty, or traffic misdemeanor offense shall not be ordered to be served consecutively to a sentence to be served in a state correctional facility; except that if, at the time of sentencing, the court determines, after consideration of all the relevant facts and circumstances, that a concurrent sentence is not warranted, the court may order that the misdemeanor sentence be served prior to the sentence to be served in the state correctional facility and prior to the time the defendant is transported to the state correctional facility to serve all or the remainder of the defendant's state correctional facility sentence.
- (d) Except as provided in subsection (1)(d.5) of this section, for purposes of sentencing a person convicted of a misdemeanor drug offense described in article 18 of title 18, committed on or after October 1, 2013, drug misdemeanors are divided into two levels that are distinguished from one another by the following penalties that are authorized upon conviction:

Level	Minimum Sentence	Maximum Sentence
DM1	Six months imprisonment, five hundred dollars fine, or both	Eighteen months imprisonment, five thousand dollars fine, or both
DM2	No imprisonment, fifty dollars fine	Three hundred sixty four days imprisonment, seven hundred fifty dollars fine, or both

(d.5)

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- (I) It is the intention of the general assembly to classify most drug possession on and after March 1, 2020, as a misdemeanor offense with different sentencing options and limited incarceration penalties. The purpose of this sentencing scheme is to provide offenders who are assessed to be in need of treatment or other intervention with probation supervision in conjunction with effective medical and behavioral intervention and treatment. For those drug possessors who are not in need of treatment, sentencing by the courts system should be limited. This sentencing scheme recognizes that drug use and possession is primarily a health concern and should be treated as such by Colorado courts.
- (II) Notwithstanding the provisions of subsection (1)(d) of this section, for the purpose of sentencing a person convicted of a level 1 drug misdemeanor committed on or after March 1, 2020, in violation of section 18–18–403.5 or 18–18–406(4)(b), a court may sentence an offender to probation for up to two years, with the possibility of a total of one hundred eighty days in county jail or, for a third or subsequent offense, a total of up to three hundred sixty-four days in county jail, which may be imposed in whole or in part during the time period of probation as a condition of probation or as a sanction for a violation of probation; or the court may sentence an offender to up to one hundred eighty days in the county jail, except that for a third or subsequent offense, the court may sentence an offender to up to three hundred sixty-four days in the county jail. In addition to the sentence to probation or to the county jail, the offender may be punished by a fine of not more than one thousand dollars.
- (III) Notwithstanding the provisions of subsection (1)(d) of this section, for the purpose of sentencing a person convicted of a level 2 drug misdemeanor committed on or after March 1, 2020, in violation of section 18–18–404, 18–18–406(4)(c), 18–18–406.1, or 18–18–412, a court may sentence an offender to probation for up to one year, with the possibility of a total of one hundred twenty days in county jail or, for a third or subsequent offense, a total of up to one hundred eighty days in county jail, which may be imposed in whole or in part during the time period of probation as a condition of probation or as a sanction for a violation of probation; or the court may sentence an offender to up to one hundred twenty days in the county jail, except that for a third or subsequent offense, the court may sentence an offender to up to one hundred eighty days in the county jail. In addition to the sentence to probation or to the county jail, the offender may be punished by a fine of not more than five hundred dollars.

Nothing in this subsection (1)(d.5) infringes upon the authority and discretion vested with a district attorney to file misdemeanor charges in either district court or county court, which courts, pursuant to section 13–6–106, have concurrent original jurisdiction over violations of state law that constitute misdemeanors. District attorneys are encouraged to file misdemeanor or drug charges in the court where, if there is a conviction, treatment and supervision can most effectively be matched to the defendant's assessed risk and treatment need levels. (e) For each drug petty offense, the sentencing range is stated in the offense statute.

(1.5)

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- (a) If a defendant is convicted of assault in the third degree under section 18-3-204 and the victim is a peace officer, emergency medical service provider, emergency medical care provider, or firefighter engaged in the performance of his or her duties, notwithstanding subsection (1) of this section, the court shall sentence the defendant to a term of imprisonment greater than the maximum sentence but no more than twice the maximum sentence authorized for the same crime when the victim is not a peace officer, emergency medical service provider, emergency medical care provider, or firefighter engaged in the performance of his or her duties. In addition to the term of imprisonment, the court may impose a fine on the defendant under subsection (1) of this section. At any time after sentencing and before the discharge of the defendant's sentence, the victim may request that the defendant participate in restorative justice practices with the victim. If the defendant accepts responsibility for and expresses remorse for his or her actions and is willing to repair the harm caused by his or her actions, an individual responsible for the defendant's supervision shall make the necessary arrangements for the restorative justice practices requested by the victim.
- (b) As used in this section, "peace officer, emergency medical service provider, emergency medical care provider, or firefighter engaged in the performance of his or her duties" means a peace officer as described in section 16-2.5-101, C.R.S., emergency medical service provider as defined in part 1 of article 3.5 of title 25, C.R.S., emergency medical care provider as defined by section 18-3-201(1), or a firefighter as defined in section 18-3-201(1.5), who is engaged or acting in or who is present to engage or act in the performance of a duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer, emergency medical service provider, emergency medical care provider, or firefighter, whether or not the peace officer, emergency medical service provider, emergency medical care provider, or firefighter is within the territorial limits of his or her jurisdiction, if the peace officer, emergency medical service provider, emergency medical care provider, or firefighter is in uniform or the person committing an assault upon or offense against or otherwise acting toward the peace officer, emergency medical service provider, emergency medical care provider, or firefighter knows or reasonably should know that the victim is a peace officer, emergency medical service provider, emergency medical care provider, or firefighter or if the peace officer, emergency medical service provider, emergency medical care provider, or firefighter is intentionally assaulted in retaliation for the performance of his or her official duties.

(1.7)

- (a) If a defendant is convicted of assault in the third degree pursuant to section 18-3-204 or reckless endangerment pursuant to section 18-3-208 and the victim is a mental health professional employed by or under contract with the department of human services engaged in the performance of his or her duties, notwithstanding the provisions of subsection (1) of this section, the court may sentence the defendant to a term of imprisonment greater than the maximum

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sentence but not more than twice the maximum sentence authorized for the crime when the victim is not a mental health professional employed by or under contract with the department of human services engaged in the performance of his or her duties. In addition to a term of imprisonment, the court may impose a fine on the defendant pursuant to subsection (1) of this section.

- (b) “Mental health professional” means a mental health professional licensed to practice medicine pursuant to article 240 of title 12, or a person licensed as a mental health professional pursuant to article 245 of title 12, a person licensed as a nurse pursuant to article 255 of title 12, a nurse aide certified pursuant to article 255 of title 12, and a psychiatric technician licensed pursuant to article 295 of title 12.
- (2) The defendant may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by subsection (1) of this section, subject to the conditions and restrictions of section 18-1.3-507. An inmate in county jail acting as a trustee shall not be given concurrent credit for community or useful public service when such service is performed in his or her capacity as trustee. For the purposes of this subsection (2), “community or useful public service” means any work which is beneficial to the public, any public entity, or any bona fide nonprofit private or public organization, which work involves a minimum of direct supervision or other public cost and which work would not, with the exercise of reasonable care, endanger the health or safety of the person required to work.
- (3)
- (a) The general assembly hereby finds that certain misdemeanors which are listed in paragraph (b) of this subsection (3) present an extraordinary risk of harm to society and therefore, in the interest of public safety, the maximum sentence for such misdemeanors shall be increased by six months.
- (b) Misdemeanors that present an extraordinary risk of harm to society shall include the following:
- (I) Assault in the third degree, as defined in section 18-3-204;
- (I.5)
- (A) Sexual assault, as defined in section 18-3-402; or
- (B) Sexual assault in the second degree, as defined in section 18-3-403, as it existed prior to July 1, 2000;
- (II)
- (A) Unlawful sexual contact, as defined in section 18-3-404; or
- (B) Sexual assault in the third degree, as defined in section 18-3-404, as it existed prior to July 1, 2000;
- (III) Child abuse, as defined in section 18-6-401(7)(a)(V);
- (IV) Second and all subsequent violations of a protection order as defined in section 18-6-803.5(1.5)(a.5);
- (V) Misdemeanor failure to register as a sex offender, as described in section 18-3-412.5;
- (VI) Misdemeanor invasion of privacy for sexual gratification, as described in

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section 18-3-405.6; and

(VII) False reporting of an emergency, as described in section 18-8-111.

- (4) Notwithstanding any provision of law to the contrary, any person who attempts to commit, conspires to commit, or commits against an elderly person any misdemeanor set forth in part 4 of article 4 of this title, part 1, 2, 3, or 5 of article 5 of this title, or article 5.5 of this title shall be required to pay a mandatory and substantial fine within the limits permitted by law. However, all moneys collected from the offender shall be applied in the following order: Costs for crime victim compensation fund pursuant to section 24-4.1-119, C.R.S.; surcharges for victims and witnesses assistance and law enforcement fund pursuant to section 24-4.2-104, C.R.S.; restitution; time payment fee; late fees; and any other fines, fees, or surcharges. For purposes of this subsection (4), an “elderly person” or “elderly victim” means a person sixty years of age or older.
- (5) Every sentence entered under this section shall include consideration of restitution as required by part 6 of this article and by article 18.5 of title 16, C.R.S.
- (6) For a defendant who is convicted of assault in the third degree, as described in section 18-3-204, the court, in addition to any fine the court may impose, shall sentence the defendant to a term of imprisonment of at least six months, but not longer than the maximum sentence authorized for the offense, as specified in this section, which sentence shall not be suspended in whole or in part, if the court makes the following findings on the record:
- (a) The victim of the offense was pregnant at the time of commission of the offense; and
  - (b) The defendant knew or should have known that the victim of the offense was pregnant.
  - (c) Deleted by Laws 2003, Ch. 340, § 4, eff. July 1, 2003.

### COLO. REV. STAT. § 35-42-112. Enforcement.

- (1) The commissioner or his designee shall enforce the provisions of this article.
- (2)
- (a) Whenever the commissioner has reasonable cause to believe a violation of any provision of this article or any rule made pursuant to this article has occurred and immediate enforcement is deemed necessary, he may issue a cease-and-desist order, which may require any person to cease violating any provision of this article or any rule made pursuant to this article. Such cease-and-desist order shall set forth the provisions alleged to have been violated, the facts alleged to have constituted the violation, and shall require that all actions causing the violation be ceased.
  - (b) *In the event that any person fails to comply with a cease-and-desist order within twenty-four hours, the commissioner may bring a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of this article.*

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- (c) No stay of a cease-and-desist order shall be issued before a hearing thereon involving both parties.
  - (d) Matters brought before a court pursuant to this section shall have preference over other matters on the court's calendar.
- (3) Whenever it appears to the commissioner upon sufficient evidence satisfactory to the commissioner that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this article or of any rule adopted pursuant to this article, he may apply to any court of competent jurisdiction to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this article or any rule adopted pursuant to this article. In any such action, the commissioner shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law. Under no circumstances shall the court require the commissioner to post a bond.



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## 8. CROSS ENFORCEMENT &amp; REPORTING

**COLO. REV. STAT. § 18-9-209. Immunity for reporting animal cruelty—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 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.*
- (2) *The provisions of subsection (1) of this section shall not apply to a person who knowingly makes a false report of animal cruelty.*
- (3) *A person who knowingly makes a false report of animal cruelty to a local law enforcement agency or to the state bureau of animal protection commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501*

**COLO. REV. STAT. § 19-3-304. Persons required to report child abuse or neglect.**

- (1)
  - (a) *Except as otherwise provided by section 19-3-307, section 25-1-122 (4) (d), C.R.S., and paragraph (b) of this subsection (1), any person specified in subsection (2) of this section who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect shall immediately upon receiving such information report or cause a report to be made of such fact to the county department, the local law enforcement agency, or through the child abuse reporting hotline system as set forth in section 26-5-111, C.R.S.*
  - (b) *The reporting requirement described in paragraph (a) of this subsection (1) shall not apply if the person who is otherwise required to report does not:*
    - (I) *Learn of the suspected abuse or neglect until after the alleged victim of the suspected abuse or neglect is eighteen years of age or older; and*
    - (II) *Have reasonable cause to know or suspect that the perpetrator of the suspected abuse or neglect:*
      - (A) *Has subjected any other child currently under eighteen years of age to abuse or neglect or to circumstances or conditions that would likely result in abuse or neglect; or*
      - (B) *Is currently in a position of trust, as defined in section 18-3-401 (3.5), C.R.S., with regard to any child currently under eighteen years of age.*
- (2) *Persons required to report such abuse or neglect or circumstances or conditions include any:*

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- (a) Physician or surgeon, including a physician in training;
- (b) Child health associate;
- (c) Medical examiner or coroner;
- (d) Dentist;
- (e) Osteopath;
- (f) Optometrist;
- (g) Chiropractor;
- (h) Podiatrist;
- (i) Registered nurse or licensed practical nurse;
- (j) Hospital personnel engaged in the admission, care, or treatment of patients;
- (k) Christian science practitioner;
- (l) Public or private school official or employee;
- (m) Social worker or worker in any facility or agency that is licensed or certified pursuant to part 1 of article 6 of title 26, C.R.S.;
- (n) Mental health professional;
- (o) Dental hygienist;
- (p) Psychologist;
- (q) Physical therapist;
- (r) Veterinarian;
- (s) Peace officer as described in section 16-2.5-101, C.R.S.;
- (t) Pharmacist;
- (u) Commercial film and photographic print processor as provided in subsection (2.5) of this section;
- (v) Firefighter as defined in section 18-3-201 (1), C.R.S.;
- (w) Victim's advocate, as defined in section 13-90-107 (1) (k) (II), C.R.S.;
- (x) Licensed professional counselors;
- (y) Licensed marriage and family therapists;
- (z) Unlicensed psychotherapists;
- (aa)
  - (I) Clergy member.
  - (II) The provisions of this paragraph (aa) shall not apply to a person who acquires reasonable cause to know or suspect that a child has been subjected to abuse or neglect during a communication about which the person may not be examined as a witness pursuant to section 13-90-107 (1) (c), C.R.S., unless the person also acquires such reasonable cause from a source other than such a communication.
  - (III) For purposes of this paragraph (aa), unless the context otherwise requires, "clergy member" means a priest, rabbi, duly ordained, commissioned, or licensed minister of a church, member of a religious order, or recognized leader of any religious body.
- (bb) Registered dietitian who holds a certificate through the commission on dietetic registration and who is otherwise prohibited by 7 CFR 246.26 from making a

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- report absent a state law requiring the release of this information;
- (cc) Worker in the state department of human services;
  - (dd) Juvenile parole and probation officers;
  - (ee) Child and family investigators, as described in section 14-10-116.5, C.R.S.;
  - (ff) *Officers and agents of the state bureau of animal protection, and animal control officers;*
  - (gg) The child protection ombudsman as created in article 3.3 of this title;
  - (hh) Educator providing services through a federal special supplemental nutrition program for women, infants, and children, as provided for in 42 U.S.C. sec. 1786.
  - (ii) Director, coach, assistant coach, or athletic program personnel employed by a private sports organization or program. For purposes of this paragraph (ii), “employed” means that an individual is compensated beyond reimbursement for his or her expenses related to the private sports organization or program.
  - (jj) Person who is registered as a psychologist candidate pursuant to section 12-245-304(3), marriage and family therapist candidate pursuant to section 12-245-504(4), or licensed professional counselor candidate pursuant to section 12-245-604(4), or who is described in section 12-245-217;
  - (kk) Emergency medical service providers, as defined in sections 25-3.5-103(8) and 25-3.5-103(12) and certified or licensed pursuant to part 2 of article 3.5 of title 25;
  - (ll) Officials or employees of county departments of health, human services, or social services; and
  - (mm) Naturopathic doctor registered under article 250 of title 12.
- (2.5) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, video tape, negative, or slide depicting a child engaged in an act of sexual conduct shall report such fact to a local law enforcement agency immediately or as soon as practically possible by telephone and shall prepare and send a written report of it with a copy of the film, photograph, video tape, negative, or slide attached within thirty-six hours of receiving the information concerning the incident.
- (3) In addition to those persons specifically required by this section to report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in abuse or neglect, any other person may report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in child abuse or neglect to the local law enforcement agency, the county department, or through the child abuse reporting hotline system as set forth in section 26-5-111, C.R.S.
- (3.5) No person, including a person specified in subsection (1) of this section, shall knowingly make a false report of abuse or neglect to a county department or local law enforcement agency.
- (4) Any person who willfully violates the provisions of subsection (1) of this section or who violates the provisions of subsection (3.5) of this section:
- (a) Commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.;

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- (b) Shall be liable for damages proximately caused thereby.
- (5) No person shall be prosecuted, tried, or punished for an offense that pertains to a report of unlawful sexual behavior as defined in section 16–22–102(9) and under circumstances when a mandatory reporter has reasonable cause to know or suspect that a child has been subjected to unlawful sexual behavior as defined in section 16–22–102(9) or observed the child being subjected to circumstances or conditions that would reasonably result in unlawful sexual behavior as defined in section 16–22–102(9) unless the indictment, information, complaint, or action for the same is found or instituted within three years after the commission of the offense. The limitation for commencing criminal proceedings concerning acts of failure to report child abuse other than those involving acts described in this subsection (5) are governed by section 16–5–401.

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## 9. VETERINARY REPORTING &amp; IMMUNITY

**COLO. REV. STAT. § 12-315-119. Veterinary records in custody of animal care providers--definition--rules**

- (1) As used in this section, unless the context otherwise requires, “animal care provider” means any veterinary practice or veterinary hospital, including the veterinary teaching hospital at Colorado state university, that provides veterinary care or treatment to animals.
- (2) *Animal care providers shall make available the veterinary records in their custody as follows:*
  - (a) The owner of an animal or the owner's designated representative shall have reasonable access to the animal's records for inspection;
  - (b) The owner or the owner's designated representative may obtain a summary of the animal's records upon request, following termination of care or treatment; and
  - (c) *Copies of veterinary records, including digital records, digital images, diagnostic quality X rays, CT SCANS, MRIs, or other films, shall be furnished to:*
    - (I) The owner or the owner's designated representative upon payment of reasonable costs; and
    - (II) *Local law enforcement authorities and the bureau of animal protection in the department of agriculture in connection with an investigation of animal cruelty pursuant to section 18-9-202, or animal fighting pursuant to section 18-9-204.*
- (3)
  - (a) Records concerning an animal's care are available to the public unless a veterinary-patient-client privilege exists with respect to the animal, as provided in section 24-72-204(3)(a)(XIV).
  - (b) All practicing veterinarians in this state shall maintain accurate records for every new or existing veterinarian-client-patient relationship. In the animal patient records, the licensed veterinarian shall justify and describe the assessment, diagnosis, and treatment administered or prescribed and all medications and dosages prescribed in a legible, written, printed, or electronically prepared document that is unalterable. The licensed veterinarian shall prepare the records in a manner that allows any subsequent evaluation of the same animal patient record to yield comprehensive medical, patient, and veterinarian identifying information. Licensed veterinarians shall maintain animal patient records for a minimum of three years after the animal patient's last medical examination.
  - (c) The board shall promulgate rules including, but not limited to, rules setting forth criteria by which animal patient records may be adapted in the case of herds, flocks, litters, large volume, or specialty veterinary practices and that identify exceptions to subsection (3)(a) of this section, if necessary, for veterinarians rendering emergency care or treatment.

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### COLO. REV. STAT. § 12-315-120. Reporting requirements—immunity for reporting—veterinary-patient-client privilege inapplicable.

- (1) *A licensed veterinarian who, during the course of attending or treating an animal, has reasonable cause to know or suspect that the animal has been subjected to cruelty in violation of section 18-9-202, or subjected to animal fighting in violation of section 18-9-204, shall report or cause a report to be made of the animal cruelty or animal fighting to a local law enforcement agency or the bureau of animal protection.*
- (2) *A licensed veterinarian shall not knowingly make a false report of animal cruelty or animal fighting to a local law enforcement agency or to the bureau of animal protection.*
- (3) *A licensed veterinarian who willfully violates the provisions of subsection (1) or (2) of this section commits a class 1 petty offense, punishable as provided in section 18-1.3-503.*
- (4) *A licensed veterinarian who in good faith reports a suspected incident of animal cruelty or animal fighting to the proper authorities in accordance with subsection (1) of this section shall be immune from liability in any civil or criminal action brought against the veterinarian for reporting the incident. In any civil or criminal proceeding in which the liability of a veterinarian for reporting an incident described in subsection (1) of this section is at issue, the good faith of the veterinarian shall be presumed.*
- (5) *The veterinary-patient-client privilege described in section 24-72-204(3)(a)(XIV), may not be asserted for the purpose of excluding or refusing evidence or testimony in a prosecution for an act of animal cruelty under section 18-9-202, or for an act of animal fighting under section 18-9-204.*

### COLO. REV. STAT. § 18-9-209. Immunity for reporting animal cruelty—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 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.*
- (2) *The provisions of subsection (1) of this section shall not apply to a person who knowingly makes a false report of animal cruelty.*
- (3) *A person who knowingly makes a false report of animal cruelty to a local law enforcement agency or to the state bureau of animal protection commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501.*

### COLO. REV. STAT. § 24-72-204. Allowance or denial of inspection—grounds—procedure—appeal—definitions.

- (1) *The custodian of any public records shall allow any person the right of inspection of such records or any portion thereof except on one or more of the following grounds or as*

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*provided in subsection (2) or (3) of this section:*

- (a) Such inspection would be contrary to any state statute.
- (b) Such inspection would be contrary to any federal statute or regulation issued thereunder having the force and effect of law.
- (c) Such inspection is prohibited by rules promulgated by the supreme court or by the order of any court.
- (d) Such inspection would be contrary to the requirements of any joint rule of the senate and the house of representatives pertaining to lobbying practices.

\* \* \* \* \*

(3)

- (a) *The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):*

\* \* \* \* \*

- (XIV) Veterinary medical data, information, and records on individual animals that are owned by private individuals or business entities, but are in the custody of a veterinary medical practice or hospital, including the veterinary teaching hospital at Colorado state university, that provides veterinary medical care and treatment to animals. A veterinary-patient-client privilege exists with respect to such data, information, and records only when a person in interest and a veterinarian enter into a mutual agreement to provide medical treatment for an individual animal and such person in interest maintains an ownership interest in such animal undergoing treatment. For purposes of this subsection (3)(a)(XIV), "person in interest" means the owner of an animal undergoing veterinary medical treatment or such owner's designated representative. Nothing in this subsection (3)(a)(XIV) shall prevent the state agricultural commission, the state agricultural commissioner, or the state board of veterinary medicine from exercising their investigatory and enforcement powers and duties granted pursuant to section 35-1-106 (1)(h), article 50 of title 35, and section 12-315-106(5)(e), respectively. *The veterinary-patient-client privilege described in this subsection (3)(a)(XIV), pursuant to section 12-315-120(5), C.R.S., may not be asserted for the purpose of excluding or refusing evidence or testimony in a prosecution for an act of animal cruelty under section 18-9-202, or for an act of animal fighting under section 18-9-204.*

\* \* \* \* \*

**ANIMAL PROTECTION LAWS OF COLORADO****10. LAW ENFORCEMENT POLICIES****COLO. REV. STAT. § 30-15-105. Animal control officers—peace officer designation.**

*Personnel engaged in animal control, however titled or administratively assigned, may issue citations or summonses and complaints enforcing the county dog control resolution or any other county resolution concerning the control of pet animals or municipal ordinance without regard to the certification requirements of part 3 of article 31 of title 24, C.R.S. Personnel so engaged shall be included within the definition of “peace officer, firefighter, or emergency medical service provider engaged in the performance of his or her duties” in section 18-3-201 (2), C.R.S. Nothing in this part 1 is intended to vest authority in any person so engaged to enforce any resolution, ordinance, or statute other than the county dog control resolution or any other county resolution concerning the control of pet animals or municipal ordinance.*

**COLO. REV. STAT. § 35-42-105. Bureau of animal protection—creation.**

*There is hereby created the state bureau of animal protection, referred to in this article as the “bureau”.*

**COLO. REV. STAT. § 35-42-106. Powers and duties of the commissioner.**

*The commissioner has the power to administer and enforce the provisions of this article, appoint agents and establish the qualifications of such agents, promulgate rules and regulations, enter into contracts, and implement training, procedures, and rules and regulations of recommended standards for animal control officers.*

**COLO. REV. STAT. § 35-42-107. Bureau personnel—appointment.**

- (1) Subject to the provisions of section 13 of article XII of the state constitution, the commissioner shall appoint such animal protection agents as are necessary to carry out the provisions of this article.*
- (2) The commissioner may appoint agents who are employees of the state, Colorado-based nonprofit corporations, municipal corporations, counties, cities, cities and counties, or any other local governmental entity or political subdivision of the state.*
- (3) When agents who are employees of nonprofit corporations are appointed, the corporation shall furnish evidence of minimum liability insurance covering said agent in the amount of one hundred thousand dollars. The state shall not be liable for the actions of such agents. Agents of the bureau shall submit to training as specified by the commissioner.*
- (4) Agents of the bureau who have completed training as specified by the commissioner are*



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*vested with the power to conduct investigations and issue summons and complaints to enforce the provisions of part 2 of article 9 of title 18 and article 80 of this title 35 as granted peace officers pursuant to section 16-2-104 and are designated as peace officers, as described in sections 16-2.5-101 and 16-2.5-118.*

- (5) *The commissioner may, in his discretion, revoke the commission of any agent.*
- (6) *The commissioner may in his discretion determine classifications and subclassifications for commissions of agent.*
- (7) *Agents authorized to investigate cases involving livestock shall be employees of the division or the division of brand inspection of the department or any sheriffs when appointed and within their jurisdiction.*
- (8) *All commissions issued by the commissioner shall expire on the anniversary date of issuance.*
- (9) *A commission may, in the discretion of the commissioner, be renewed.*
- (10) *All commissions shall be approved by the state agricultural commission.*

### **COLO. REV. STAT. § 35-42-109. Protection of animals mistreated, neglected, or abandoned.**

- (1) No animal shall be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered.
- (2)
  - (a) The commissioner may take charge of, provide for, or remove from the area or building where found any companion animal found to be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered. The commissioner shall petition any court of competent jurisdiction for a prompt hearing to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal.
  - (b) Pursuant to court order, the commissioner may take charge of, provide for, or remove from the area or building where found any livestock found to be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered. The commissioner shall petition any court of competent jurisdiction for a prompt hearing to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal.
- (3)
  - (a) The commissioner shall cause to be served upon the owner:
    - (I) If the owner is known and residing within the jurisdiction wherein the animal is found, written notice at least five days prior to the hearing of the time and place of the hearing;
    - (II) If the owner is known but residing out of the jurisdiction where such animal is found or if the commissioner is unable after reasonable attempts to serve the owner, written notice by any

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method, including posting at least five days prior to the hearing at a place provided for public notices in the jurisdiction wherein such hearing shall be held, or service of process shall be given.

- (b) If the owner is not known, the commissioner shall cause to be published, in a newspaper of general circulation in the jurisdiction wherein such animal is found, notice of the hearing, and shall further cause notice of the hearing to be posted at a place provided for public notices in the jurisdiction wherein such hearing shall be held, at least five days prior to the hearing.
- (4) Such hearing shall be held promptly after the date of the seizure of the animal.
- (5)
  - (a) The commissioner may, in his discretion, provide for such animal until judgment by the court.
  - (b) The court may order the animal sold and the proceeds deposited in the registry of the court pending a decision.
  - (c) The court may adjudge that the owner is a person able to adequately provide for such animal and a person fit to own the animal, in which case the animal shall be returned to the owner after all reasonable expenses of any food, shelter, and care provided by the commissioner have been paid; except that, if such expenses are not paid within ten days of a court order adjudging the owner a person able to adequately provide for such animal and a person fit to own the animal, the commissioner may, in his discretion and without liability, dispose of the animal by selling it at public auction, placing it for adoption in a suitable home, giving it to a suitable animal shelter, or humanely destroying it as deemed proper by the commissioner.
  - (d) With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds shall be paid into the estray fund, created pursuant to section 35-41-102.
  - (e) At least six days prior to disposing of the animal, the commissioner shall provide written notice to the owner at his last-known address of the time and place of the disposition of the animal.
- (6)
  - (a) If the owner is adjudged by the court a person unable to adequately provide for the animal or a person not fit to own the animal, then the court shall order that the animal be:
    - (I) Sold by the commissioner at public auction;
    - (II) Placed for adoption in a suitable home;
    - (III) Given to a suitable animal shelter;
    - (IV) Humanely destroyed as deemed proper by the court; or
    - (V) Disposed of in any other manner as deemed proper by the court.
  - (b) In no case shall the person adjudged unable to adequately provide for the animal or unfit to own the animal be allowed to purchase directly or indirectly the

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animal at any sale.

- (c) With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, with the remaining proceeds, if any, being paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds shall be paid into the estray fund, created pursuant to section 35-41-102.
- (7) Nothing in this section shall be construed to prohibit the destruction of an animal as provided in section 35-42-110.
- (8) *Any officer or agent of the bureau may lawfully interfere to prevent the perpetration of an act of mistreatment, neglect, abandonment, or cruelty, pursuant to part 2 of article 9 of title 18, C.R.S., which act occurs in his presence.*

### COLO. REV. STAT. § 35-42-111. Investigations—access—administrative subpoena.

- (1) *The commissioner, upon his own motion or upon the complaint of any person, shall make any investigations necessary to ensure compliance with this article.*
- (2)
  - (a) *At any reasonable time during regular business hours, the commissioner shall have free and unimpeded access, upon consent or upon obtaining an administrative search warrant, to all buildings, yards, pens, pastures, and other areas in which any animals are kept, handled, or transported for the purpose of carrying out any provision of this article or any rule made pursuant to this article.*
  - (b) *The commissioner shall have full authority to administer oaths and take statements, to issue administrative subpoenas requiring the attendance of witnesses and the production of all books, memoranda, papers, and other documents, articles, or instruments and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. Upon the failure or refusal of any witness to obey any subpoena, the commissioner may petition the district court, and, upon a proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey such an order of the court shall be punishable as a contempt of court.*
- (3) *Complaints of record made to the commissioner and the results of his investigations may, in the discretion of the commissioner, be closed to public inspection, except as provided by court order, during the investigatory period.*

### COLO. REV. STAT. § 35-42-112. Enforcement.

- (1) *The commissioner or his designee shall enforce the provisions of this article.*
- (2)
  - (a) *Whenever the commissioner has reasonable cause to believe a violation of any*

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*provision of this article or any rule made pursuant to this article has occurred and immediate enforcement is deemed necessary, he may issue a cease-and-desist order, which may require any person to cease violating any provision of this article or any rule made pursuant to this article. Such cease-and-desist order shall set forth the provisions alleged to have been violated, the facts alleged to have constituted the violation, and shall require that all actions causing the violation be ceased.*

- (b) In the event that any person fails to comply with a cease-and-desist order within twenty-four hours, the commissioner may bring a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of this article.*
  - (c) No stay of a cease-and-desist order shall be issued before a hearing thereon involving both parties.*
  - (d) Matters brought before a court pursuant to this section shall have preference over other matters on the court's calendar.*
- (3) Whenever it appears to the commissioner upon sufficient evidence satisfactory to the commissioner that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this article or of any rule adopted pursuant to this article, he may apply to any court of competent jurisdiction to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this article or any rule adopted pursuant to this article. In any such action, the commissioner shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law. Under no circumstances shall the court require the commissioner to post a bond.*

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## 11. SEIZURE

**COLO. REV. STAT. § 18-9-202. Cruelty to animals--aggravated cruelty to animals--neglect of animals—offenses.**

- (1)
- (a) A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overdrives, overloads, overworks, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, carries or confines in or upon any vehicles in a cruel or reckless manner, engages in a sexual act with an animal, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather consistent with the species, breed, and type of animal involved, or abandons an animal.
  - (b) Any person who intentionally abandons a dog or cat commits the offense of cruelty to animals.
- (1.5)
- (a) A person commits cruelty to animals if he or she recklessly or with criminal negligence tortures, needlessly mutilates, or needlessly kills an animal.
  - (b) A person commits aggravated cruelty to animals if he or she knowingly tortures, needlessly mutilates, or needlessly kills an animal.
  - (c) A person commits cruelty to a service animal or a certified police working dog or 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 police working horse, as those terms are defined in sections 18-9-201 (2.3), (2.4) and (4.7), whether the service animal, certified police working dog, or working horse is on duty or not on duty.
- (1.8) *A peace officer having authority to act under this section may take possession of and impound an animal that the peace officer has probable cause to believe is a victim of a violation of subsection (1) or (1.5) of this section or is a victim of a violation of section 18-9-204 and as a result of the violation is endangered if it remains with the owner or custodian. If, in the opinion of a licensed veterinarian, an animal impounded pursuant to this subsection (1.8) is experiencing extreme pain or suffering, or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.*
- (2)
- (a) Except as otherwise provided in subsection (2)(b) of this section, cruelty to animals, or cruelty to a service animal, certified police working dog, or police working horse pursuant to subsection (1.5)(c) of this section, is a class 1 misdemeanor.

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- (a.5)
- (I) Repealed by Laws 2000, Ch. 282, § 2, eff. July 1, 2005.
  - (II) In addition to any other sentence imposed for a violation of this section, the court may order an offender to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
  - (III) The court shall order an evaluation to be conducted prior to sentencing to assist the court in determining an appropriate sentence. If the violation is a felony offense in violation of subsection (1.5) of this section, a felony offense in violation of subsection (2)(b)(II) of this section, or any other violation of this section demonstrating knowing torture or torment of an animal that needlessly injured, mutilated, or killed the animal, the court shall require a comprehensive evaluation to help determine the causative factors. The person ordered to undergo an evaluation shall be required to pay the cost of the evaluation, unless the person qualifies for a public defender, then the cost will be paid by the judicial district. If the evaluation results in a recommendation of treatment and if the court so finds, the person must be ordered to complete, as a condition of any sentence to probation or a deferred judgement or sentence, an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
  - (IV) Upon successful completion of an anger management treatment program, a mental health treatment program, or any other appropriate treatment program, the court may suspend any fine imposed, except for a five hundred dollar mandatory minimum fine which shall be imposed at the time of sentencing.
  - (V) In addition to any other sentence imposed upon a person for a violation of any criminal law under 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 certified police working dog or police working horse pursuant to subsection (1.5)(c) of this section 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.
  - (V.5) In addition to any other sentence imposed for a felony conviction pursuant to this section, the court shall enter an order prohibiting the defendant from owning, possessing, or caring for a pet animal

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as defined in section 35-80-102(10) as a condition of the sentence for a period of three to five years, unless the defendant's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.

- (VI) Nothing in this paragraph (a.5) shall preclude the court from ordering treatment in any appropriate case.
- (VII) This subsection (2)(a.5) does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted agricultural animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, the treatment of animals involved in research if the research facility is operating under rules set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, wildlife nuisances, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.

(b)

- (I) A second or subsequent conviction under the provisions of paragraph (a) of subsection (1) of this section is a class 6 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.
- (II) In any case where the court sentences a person convicted of a class 6 felony under the provisions of this paragraph (b) to probation, the court shall, in addition to any other condition of probation imposed, order that:
  - (A) The offender, pursuant to section 18-1.3-202(1), be committed to the county jail for ninety days; or
  - (B) The offender, pursuant to section 18-1.3-105(3), be subject to home detention for no fewer than ninety days.
- (III) In any case where an offender is committed to the county jail or placed in home detention pursuant to subparagraph (II) of this paragraph (b), the court shall enter judgment against the offender for all costs assessed pursuant to section 18-1.3-701, including, but not limited to, the cost of care.

(c) Aggravated cruelty to animals is a class 6 felony; except that a second or subsequent conviction for the offense of aggravated cruelty to animals is a class 5 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for purposes of this section.

(d)

- (I) If a person is convicted of cruelty to a service animal pursuant to

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paragraph (c) of subsection (1.5) of this section, the court shall order him or her to make restitution to the agency or individual owning the service animal for any veterinary bills and replacement costs of the service animal if it is disabled or killed as a result of the cruelty to animals incident.

- (II) If a person is convicted of cruelty to a certified police working dog or 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 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 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 police working horse for all training and certification costs related to the certified police working dog or police working horse.

- (2.5) It shall be an affirmative defense to a charge brought under this section involving injury or death to a dog that the dog was found running, worrying, or injuring sheep, cattle, or other livestock.
- (3) Nothing in this part 2 modifies in any manner the authority of the parks and wildlife commission, as established in title 33, C.R.S., or prohibits any conduct authorized or permitted under title 33, C.R.S.
- (4) The short title of this section is “Punky’s Law.”

### COLO. REV. STAT. § 35-42-108. Care of confined animal.

- (1) Except as authorized by law, no animal shall be confined without an adequate supply of food and water. *If any animal is found to be confined without adequate food or water, it shall be lawful for any officer or agent of the bureau, a peace officer within his jurisdiction, or a licensed veterinarian to, from time to time as may be necessary, enter into any and upon any area or building where such animal is confined and supply it with adequate food and water; except that such entry shall not be made into any building which is a person’s residence, unless by search warrant or court order.*
- (2) *Such officer, agent, peace officer, or veterinarian shall not be liable in any action for such entry.*
- (3) *Notice of the entry and care shall be given by posting such notification at an entrance to or at a conspicuous place upon such area or building where such animal is confined.*



## ANIMAL PROTECTION LAWS OF COLORADO

- (4) In the case of companion animals, if such animal is not cared for by a person other than an agent or officer of the bureau or a peace officer or veterinarian within seventy-two hours of the posting of said notification, such animal shall be presumed to have been abandoned under circumstances in which the animal's life or health is endangered.

### COLO. REV. STAT. § 35-42-109. Protection of animals mistreated, neglected, or abandoned.

- (1) No animal shall be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered.
- (2)
- (a) *The commissioner may take charge of, provide for, or remove from the area or building where found any companion animal found to be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered.* The commissioner shall petition any court of competent jurisdiction for a prompt hearing to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal.
- (b) *Pursuant to court order, the commissioner may take charge of, provide for, or remove from the area or building where found any livestock found to be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered.* The commissioner shall petition any court of competent jurisdiction for a prompt hearing to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal.
- (3)
- (a) The commissioner shall cause to be served upon the owner:
- (I) If the owner is known and residing within the jurisdiction wherein the animal is found, written notice at least five days prior to the hearing of the time and place of the hearing;
- (II) If the owner is known but residing out of the jurisdiction where such animal is found or if the commissioner is unable after reasonable attempts to serve the owner, written notice by any method, including posting at least five days prior to the hearing at a place provided for public notices in the jurisdiction wherein such hearing shall be held, or service of process shall be given.
- (b) If the owner is not known, the commissioner shall cause to be published, in a newspaper of general circulation in the jurisdiction wherein such animal is found, notice of the hearing, and shall further cause notice of the hearing to be posted at a place provided for public notices in the jurisdiction wherein such hearing shall be held, at least five days prior to the hearing.
- (4) Such hearing shall be held promptly after the date of the seizure of the animal.
- (5)
- (a) *The commissioner may, in his discretion, provide for such animal until judgment*

## ANIMAL PROTECTION LAWS OF COLORADO

*by the court.*

- (b) The court may order the animal sold and the proceeds deposited in the registry of the court pending a decision.
  - (c) The court may adjudge that the owner is a person able to adequately provide for such animal and a person fit to own the animal, in which case the animal shall be returned to the owner after all reasonable expenses of any food, shelter, and care provided by the commissioner have been paid; except that, if such expenses are not paid within ten days of a court order adjudging the owner a person able to adequately provide for such animal and a person fit to own the animal, the commissioner may, in his discretion and without liability, dispose of the animal by selling it at public auction, placing it for adoption in a suitable home, giving it to a suitable animal shelter, or humanely destroying it as deemed proper by the commissioner.
  - (d) With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds shall be paid into the estray fund, created pursuant to section 35-41-102.
  - (e) At least six days prior to disposing of the animal, the commissioner shall provide written notice to the owner at his last-known address of the time and place of the disposition of the animal.
- (6)
- (a) If the owner is adjudged by the court a person unable to adequately provide for the animal or a person not fit to own the animal, then the court shall order that the animal be:
    - (I) Sold by the commissioner at public auction;
    - (II) Placed for adoption in a suitable home;
    - (III) Given to a suitable animal shelter;
    - (IV) Humanely destroyed as deemed proper by the court; or
    - (V) Disposed of in any other manner as deemed proper by the court.
  - (b) In no case shall the person adjudged unable to adequately provide for the animal or unfit to own the animal be allowed to purchase directly or indirectly the animal at any sale.
  - (c) With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, with the remaining proceeds, if any, being paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds shall be paid into the estray fund, created pursuant to section 35-41-102.
- (7) Nothing in this section shall be construed to prohibit the destruction of an animal as provided in section 35-42-110.
- (8) *Any officer or agent of the bureau may lawfully interfere to prevent the perpetration of an act of mistreatment, neglect, abandonment, or cruelty, pursuant to part 2 of article 9 of title 18, C.R.S., which act occurs in his presence.*

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**ANIMAL PROTECTION LAWS OF COLORADO****COLO. REV. STAT. § 35-42-111. Investigations—access—administrative subpoena.**

- (1) The commissioner, upon his own motion or upon the complaint of any person, shall make any investigations necessary to ensure compliance with this article.
- (2)
  - (a) *At any reasonable time during regular business hours, the commissioner shall have free and unimpeded access, upon consent or upon obtaining an administrative search warrant, to all buildings, yards, pens, pastures, and other areas in which any animals are kept, handled, or transported for the purpose of carrying out any provision of this article or any rule made pursuant to this article.*
  - (b) The commissioner shall have full authority to administer oaths and take statements, to issue administrative subpoenas requiring the attendance of witnesses and the production of all books, memoranda, papers, and other documents, articles, or instruments and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. Upon the failure or refusal of any witness to obey any subpoena, the commissioner may petition the district court, and, upon a proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey such an order of the court shall be punishable as a contempt of court.
- (3) Complaints of record made to the commissioner and the results of his investigations may, in the discretion of the commissioner, be closed to public inspection, except as provided by court order, during the investigatory period.

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**ANIMAL PROTECTION LAWS OF COLORADO**

**12. COURTROOM ANIMAL ADVOCATE PROGRAM**

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## ANIMAL PROTECTION LAWS OF COLORADO

### 13. PROTECTION ORDERS

#### COLO. REV. STAT. § 13-14-101. Definitions.

For purposes of this article 14, unless the context otherwise requires:

- (1) *“Abuse of the elderly or of an at-risk adult” means mistreatment of a person who is sixty years of age or older or who is an at-risk adult as defined in section 26-3.1-101 (1.5), including but not limited to repeated acts that:*
  - (a) Constitute verbal threats or assaults;
  - (b) Constitute verbal harassment;
  - (c) Result in the inappropriate use or the threat of inappropriate use of medications;
  - (d) Result in the inappropriate use of physical or chemical restraints;
  - (e) Result in the misuse of power or authority granted to a person through a power of attorney or by a court in a guardianship or conservatorship proceeding that results in unreasonable confinement or restriction of liberty; or
  - (f) *Constitute threats or acts of violence against, or the taking, transferring, concealing, harming, or disposing of, an animal owned, possessed, leased, kept, or held by the elderly or at-risk adult, which threats or acts are intended to coerce, control, punish, intimidate, or exact revenge upon the elderly or at-risk adult.*
- (1.5) *“Adult” means a person eighteen years of age or older.*
- (1.7) *“Contact” or “contacting” means any interaction or communication with another person, directly or indirectly through a third party, and electronic and digital forms of communication, including but not limited to interaction or communication through social media.*
- (2) *“Domestic abuse” means any act, attempted act, or threatened act of violence, stalking, harassment, or coercion that is committed by any person against another person to whom the actor is currently or was formerly related, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship. A sexual relationship may be an indicator of an intimate relationship but is never a necessary condition for finding an intimate relationship. For purposes of this subsection (2), “coercion” includes compelling a person by force, threat of force, or intimidation to engage in conduct from which the person has the right or privilege to abstain, or to abstain from conduct in which the person has a right or privilege to engage. “Domestic abuse” may also include any act, attempted act, or threatened act of violence against:*
  - (a) The minor children of either of the parties; or
  - (b) *An animal owned, possessed, leased, kept, or held by either of the parties or by a minor child of either of the parties, which threat, act, or attempted act is intended to coerce, control, punish, intimidate, or exact revenge upon either of the parties or a minor child of either of the parties.*
- (2.2) *“Minor child” means a person under eighteen years of age.*
- (2.3) *“Protected person” means the person or persons identified in a protection order as the*

## ANIMAL PROTECTION LAWS OF COLORADO

person or persons for whose benefit the protection order was issued.

(2.4)

(a) *“Protection order” means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, or sexually assaulting or abusing any protected person or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises, or from taking, transferring, concealing, harming, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by a protected person, or any other provision to protect the protected person from imminent danger to life or health that is issued by a court of this state or a municipal court and that is issued pursuant to:*

- (I) This article, section 18-1-1001, C.R.S., section 19-2-707, C.R.S., section 19-4-111, C.R.S., or rule 365 of the Colorado rules of county court civil procedure;
- (II) Sections 14-4-101 to 14-4-105, C.R.S., section 14-10-107, C.R.S., section 14-10-108, C.R.S., or section 19-3-316, C.R.S., as those sections existed prior to July 1, 2004;
- (III) An order issued as part of the proceedings concerning a criminal municipal ordinance violation; or
- (IV) Any other order of a court that prohibits a person from contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, or sexually assaulting or abusing a person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises, or from taking, transferring, concealing, harming, disposing of or threatening to harm an animal owned, possessed, leased, kept, or held by a person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises.

(b) For purposes of this article only, “protection order” includes any order that amends, modifies, supplements, or supersedes the initial protection order. “Protection order” also includes any emergency protection order, as described in section 13-14-103, any restraining order entered prior to July 1, 2003, and any foreign protection order as defined in section 13-14-110.

(2.8) “Restrained person” means a person identified in a protection order as a person prohibited from doing a specified act or acts.

(2.9) “Sexual assault or abuse” means any act, attempted act, or threatened act of unlawful sexual behavior, as described in section 16-11.7-102 (3), C.R.S., by any person against another person regardless of the relationship between the actor and the petitioner.

(3) “Stalking” means any act, attempted act, or threatened act of stalking as described in section 18-3-602, C.R.S.

## ANIMAL PROTECTION LAWS OF COLORADO

### COLO. REV. STAT. § 13-14-103. Emergency protection orders.

- (1)
- (a) *Any county or district court shall have the authority to enter an emergency protection order pursuant to the provisions of this subsection (1).*
- (b) *An emergency protection order issued pursuant to this subsection (1) may include:*
- (I) Restraining a party from contacting, harassing, injuring, intimidating, threatening, molesting, touching, stalking, sexually assaulting or abusing any other party, a minor child of either of the parties, or a minor child who is in danger in the reasonably foreseeable future of being a victim of an unlawful sexual offense or domestic abuse;
  - (II) Excluding a party from the family home or from the home of another party upon a showing that physical or emotional harm would otherwise result;
  - (III) Awarding temporary care and control of any minor child of a party involved;
  - (IV) Enjoining an individual from contacting a minor child at school, at work, or wherever he or she may be found;
  - (V) *Restraining a party from molesting, injuring, killing, taking, transferring, encumbering, concealing, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by any other party, a minor child of either of the parties, or an elderly or at-risk adult; or*
  - (VI) *Specifying arrangements for possession and care of an animal owned, possessed, leased, kept, or held by any other party, a minor child of either of the parties, or an elderly or at-risk adult.*
- (c) In cases involving a minor child, the juvenile court and the district court shall have the authority to issue emergency protection orders to prevent an unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S., or to prevent domestic abuse, as defined in section 13-14-101 (2), when requested by the local law enforcement agency, the county department of human or social services, or a responsible person who asserts, in a verified petition supported by affidavit, that there are reasonable grounds to believe that a minor child is in danger in the reasonably foreseeable future of being the victim of an unlawful sexual offense or domestic abuse, based upon an allegation of a recent actual unlawful sexual offense or domestic abuse or threat of the same. Any emergency protection order issued pursuant to this subsection (1) must be on a standardized form prescribed by the judicial department and a copy must be provided to the protected person.
- (d) The chief judge in each judicial district shall be responsible for making available in each judicial district a judge to issue, by telephone, emergency protection

## ANIMAL PROTECTION LAWS OF COLORADO

orders at all times when the county and district courts are otherwise closed for judicial business. Such judge may be a district court or county court judge or a special associate, an associate, an assistant county judge, or a magistrate.

- (e) When the county, district, and juvenile courts are unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week and a peace officer asserts reasonable grounds to believe that an adult is in immediate and present danger of domestic abuse, assault, stalking, sexual assault or abuse, or that a minor child is in immediate and present danger of an unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S., or of domestic abuse, as defined in section 13-14-101 (2), a judge made available pursuant to paragraph (d) of this subsection (1) may issue a written or verbal ex parte emergency protection order. Any written emergency protection order issued pursuant to this subsection (1) shall be on a standardized form prescribed by the judicial department and a copy shall be provided to the protected person.
  - (f) An emergency protection order issued pursuant to this subsection (1) shall expire not later than the close of judicial business on the next day of judicial business following the day of issue, unless otherwise continued by the court. The court may continue an emergency protection order filed to prevent abuse pursuant to this subsection (1) only if the judge is unable to set a hearing on plaintiff's request for a temporary protection order on the day the complaint was filed pursuant to section 13-14-104.5; except that this limitation on a court's power to continue an emergency protection order shall not apply to an emergency protection order filed to protect a minor child from an unlawful sexual offense or domestic abuse. For any emergency protection order continued pursuant to the provisions of this paragraph (f), following two days' notice to the party who obtained the emergency protection order or on such shorter notice to said party as the court may prescribe, the adverse party may appear and move its dissolution or modification. The motion to dissolve or modify the emergency protection order shall be set down for hearing at the earliest possible time and shall take precedence over all matters except older matters of the same character, and the court shall determine such motions as expeditiously as the ends of justice require.
- (2)
- (a) A verbal emergency protection order may be issued pursuant to subsection (1) of this section only if the issuing judge finds that an imminent danger in close proximity exists to the life or health of one or more persons or that a danger exists to the life or health of the minor child in the reasonably foreseeable future.
  - (b) Any verbal emergency protection order shall be reduced to writing and signed by the officer or other person asserting the grounds for the order and shall include a statement of the grounds for the order asserted by the officer or person. The officer or person shall not be subject to civil liability for any statement made or



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act performed in good faith. The emergency protection order shall be served upon the respondent with a copy given to the protected party and filed with the county or district court as soon as practicable after issuance. Any written emergency protection order issued pursuant to this subsection (2) shall be on a standardized form prescribed by the judicial department, and a copy shall be provided to the protected person.

- (3) The court shall electronically transfer into the central registry of protection orders established pursuant to section 18-6-803.7, C.R.S., a copy of any order issued pursuant to this section and shall deliver a copy of such order to the protected party or his or her parent or an individual acting in the place of a parent who is not the respondent.
- (4) If any person named in an order issued pursuant to this section has not been served personally with such order but has received actual notice of the existence and substance of such order from any person, any act in violation of such order may be deemed sufficient to subject the person named in such order to any penalty for such violation.
- (5) Venue for filing a complaint pursuant to this section is proper in any county where the acts that are the subject of the complaint occur, in any county where one of the parties resides, or in any county where one of the parties is employed. This requirement for venue does not prohibit the change of venue to any other county appropriate under applicable law.
- (6) A person failing to comply with any order of the court issued pursuant to this section shall be found in contempt of court and, in addition, may be punished as provided in section 18-6-803.5, C.R.S.
- (7) At any time that the law enforcement agency having jurisdiction to enforce the emergency protection order has cause to believe that a violation of the order has occurred, it shall enforce the order. If the order is written and has not been personally served, a member of the law enforcement agency shall serve a copy of said order on the person named respondent therein. If the order is verbal, a member of the law enforcement agency shall notify the respondent of the existence and substance thereof.
- (8) The availability of an emergency protection order shall not be affected by the person seeking protection leaving his or her residence to avoid harm.
- (9) The issuance of an emergency protection order shall not be considered evidence of any wrongdoing.
- (10) If three emergency protection orders are issued within a one-year period involving the same parties within the same jurisdiction, the court shall summon the parties to appear before the court at a hearing to review the circumstances giving rise to such emergency protection orders.
- (11) The duties of peace officers enforcing orders issued pursuant to this section shall be in accordance with section 18-6-803.5, C.R.S., and any rules adopted by the Colorado supreme court pursuant to said section.

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### COLO. REV. STAT. § 13-14-105. Civil protection orders.

- (1) A municipal court of record that is authorized by its municipal governing body to issue protection or restraining orders and any county court, in connection with issuing a civil protection order, has original concurrent jurisdiction with the district court to include any provisions in the order that the municipal or county court deems necessary for the protection of persons, including but not limited to orders:
  - (a) Restraining a party from threatening, molesting, or injuring any other party or the minor child of either of the parties;
  - (b) Restraining a party from contacting any other party or the minor child of either of the parties;
  - (c) Excluding a party from the family home upon a showing that physical or emotional harm would otherwise result;
  - (d) Excluding a party from the home of another party upon a showing that physical or emotional harm would otherwise result;
  - (e)
    - (I) Awarding temporary care and control of any minor children of either party involved for a period of not more than one year.
    - (II) If temporary care and control is awarded, the order may include parenting time rights for the other party involved and any conditions of such parenting time, including the supervision of parenting time by a third party who agrees to the terms of the supervised parenting time and any costs associated with supervised parenting time, if necessary. If the restrained party is unable to pay the ordered costs, the court shall not place such responsibility with publicly funded agencies. If the court finds that the safety of any child or the protected party cannot be ensured with any form of parenting time reasonably available, the court may deny parenting time.
    - (III) The court may award interim decision-making responsibility of a child to a person entitled to bring an action for the allocation of parental responsibilities under section 14-10-123, C.R.S., when such award is reasonably related to preventing domestic abuse as defined in section 13-14-101 (2), or preventing the child from witnessing domestic abuse.
    - (IV) Temporary care and control or interim decision-making responsibility must be determined in accordance with the standard contained in section 14-10-124, C.R.S.
  - (c) Restraining a party from interfering with a protected person at the person's place of employment or place of education or from engaging in conduct that impairs the protected person's employment, educational relationships, or environment;
  - (d) *Restraining a party from molesting, injuring, killing, taking, transferring,*

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*encumbering, concealing, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by any other party or a minor child of any other party;*

- (e) *Specifying arrangements for possession and care of an animal owned, possessed, leased, kept, or held by any other party or a minor child of any other party;*
- (f) Granting such other relief as the court deems appropriate;
- (g)
  - (I) Entering a temporary injunction restraining the respondent from ceasing to make payments for mortgage or rent, insurance, utilities or related services, transportation, medical care, or child care when the respondent has a prior existing duty or legal obligation or from transferring, encumbering, concealing, or in any way disposing of personal effects or real property, except in the usual course of business or for the necessities of life and requiring the restrained party to account to the court for all extraordinary expenditures made after the injunction is in effect.
  - (II) Any injunction issued pursuant to this paragraph (j) is effective upon personal service or upon waiver and acceptance of service by the respondent for a period of time determined appropriate by the court not to exceed one year after the issuance of the permanent civil protection order.
  - (III) The provisions of the injunction must be printed on the summons, and the petition and the injunction become an order of the court upon fulfillment of the requirements of subparagraph (I) of this paragraph (j).
  - (IV) Nothing in this paragraph (j) precludes either party from applying to the district court for further temporary orders, an expanded temporary injunction, or modification or revocation. Any subsequent order issued by the district court as part of a domestic matter involving the parties supersedes an injunction made pursuant to this paragraph (j).
- (2) Any order for temporary care and control issued pursuant to subsection (1) of this section is governed by the “Uniform Child-custody Jurisdiction and Enforcement Act”, article 13 of title 14, C.R.S.

### COLO REV. STAT. § 18-6-800.3. Definitions.

As used in this part 8, unless the context otherwise requires:

- (1) “Domestic violence” means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. *“Domestic violence” also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an*

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animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

- (2) “Intimate relationship” means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

### COLO REV. STAT. § 18-6-803.5. Crime of violation of a protection order—penalty—peace officers’ duties.

(1) *A person commits the crime of violation of a protection order if, after the person has been personally served with a protection order that identifies the person as a restrained person or otherwise has acquired from the court or law enforcement personnel actual knowledge of the contents of a protection order that identifies the person as a restrained person, the person:*

- (a) *Contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person or protected property, including an animal, identified in the protection order or enters or remains on premises or comes within a specified distance of the protected person, protected property, including an animal, or premises or violates any other provision of the protection order to protect the protected person from imminent danger to life or health, and such conduct is prohibited by the protection order; or*
- (b) *Except as permitted pursuant to section 18-13-126(1)(b), hires, employs, or otherwise contracts with another person to locate or assist in the location of the protected person.*
- (c) *Violates a civil protection order issued pursuant to section 13-14-105.5, C.R.S., or pursuant to section 18-1-1001(9) by:*
  - (I) *Possessing or attempting to purchase or receive a firearm or ammunition while the protection order is in effect; or*
  - (II) *Failing to timely file a receipt or written statement with the court as described in section 13-14-105.5(9), C.R.S., or in section 18-1-1001(9)(i) or 18-6-801(i).*

(1.5) As used in this section:

- (a) “Protected person” means the person or persons identified in the protection order as the person or persons for whose benefit the protection order was issued.

(a.5)

- (I) *“Protection order” means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any protected person or protected animal, or from entering or remaining on premises, or from coming within a specified distance of a protected person or protected animal or*

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*premises or any other provision to protect the protected person or protected animal from imminent danger to life or health, that is issued by a court of this state or a municipal court, and that is issued pursuant to:*

- (A) Article 14 of title 13, C.R.S., section 18-1-1001, section 19-2-707, C.R.S., section 19-4-111, C.R.S., or rule 365 of the Colorado rules of county court civil procedure;
  - (B) Sections 14-4-101 to 14-4-105, C.R.S., section 14-10-107, C.R.S., section 14-10-108, C.R.S., or section 19-3-316, C.R.S., as those sections existed prior to July 1, 2004;
  - (C) An order issued as part of the proceedings concerning a criminal municipal ordinance violation; or
  - (D) Any other order of a court that prohibits a person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises.
- (II) For purposes of this section only, “protection order” includes any order that amends, modifies, supplements, or supersedes the initial protection order. “Protection order” also includes any restraining order entered prior to July 1, 2003, and any foreign protection order as defined in section 13-14-110, C.R.S.
- (b) “Registry” means the computerized information system created in section 18-6-803.7 or the national crime information center created pursuant to 28 U.S.C. sec. 534.
- (c) “Restrained person” means the person identified in the order as the person prohibited from doing the specified act or acts.
- (d) Deleted by Laws 2003, Ch. 139, § 6, eff. July 1, 2003.
- (2)
- (a) Violation of a protection order is a class 2 misdemeanor; except that, if the restrained person has previously been convicted of violating this section or a former version of this section or an analogous municipal ordinance, or if the protection order is issued pursuant to section 18-1-1001, the violation is a class 1 misdemeanor.
  - (a.5) A second or subsequent violation of a protection order is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501(3).
  - (b) Deleted by Laws 1995, H.B.95-1179, § 3, eff. July 1, 1995.
  - (c) Nothing in this section shall preclude the ability of a municipality to enact concurrent ordinances. Any sentence imposed for a violation of this section shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the issuing of the protection order.
- (4)

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- (a) Whenever a protection order is issued, the protected person shall be provided with a copy of such order. A peace officer shall use every reasonable means to enforce a protection order.
  - (b) A peace officer shall arrest, or, if an arrest would be impractical under the circumstances, seek a warrant for the arrest of a restrained person when the peace officer has information amounting to probable cause that:
    - (I) The restrained person has violated or attempted to violate any provision of a protection order; and
    - (II) The restrained person has been properly served with a copy of the protection order or the restrained person has received actual notice of the existence and substance of such order.
  - (c) In making the probable cause determination described in paragraph (b) of this subsection (3), a peace officer shall assume that the information received from the registry is accurate. A peace officer shall enforce a valid protection order whether or not there is a record of the protection order in the registry.
  - (d) The arrest and detention of a restrained person is governed by applicable constitutional and applicable state rules of criminal procedure. The arrested person shall be removed from the scene of the arrest and shall be taken to the peace officer's station for booking, whereupon the arrested person may be held or released in accordance with the adopted bonding schedules for the jurisdiction in which the arrest is made, or the arrested person may be taken to the jail in the county where the protection order was issued. The law enforcement agency or any other locally designated agency shall make all reasonable efforts to contact the protected party upon the arrest of the restrained person. The prosecuting attorney shall present any available arrest affidavits and the criminal history of the restrained person to the court at the time of the first appearance of the restrained person before the court.
  - (e) The arresting agency arresting the restrained person shall forward to the issuing court a copy of such agency's report, a list of witnesses to the violation, and, if applicable, a list of any charges filed or requested against the restrained person. The agency shall give a copy of the agency's report, witness list, and charging list to the protected party. The agency shall delete the address and telephone number of a witness from the list sent to the court upon request of such witness, and such address and telephone number shall not thereafter be made available to any person, except law enforcement officials and the prosecuting agency, without order of the court.
- (5) If a restrained person is on bond in connection with a violation or attempted violation of a protection order in this or any other state and is subsequently arrested for violating or attempting to violate a protection order, the arresting agency shall notify the prosecuting attorney who shall file a motion with the court which issued the prior bond for the revocation of the bond and for the issuance of a warrant for the arrest of the restrained person if such court is satisfied that probable cause exists to believe that a violation of the protection order issued by the court has occurred.

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- (6) A peace officer arresting a person for violating a protection order or otherwise enforcing a protection order shall not be held criminally or civilly liable for such arrest or enforcement unless the peace officer acts in bad faith and with malice or does not act in compliance with rules adopted by the Colorado supreme court.
- (7)
- (a) A peace officer is authorized to use every reasonable means to protect the alleged victim or the alleged victim's children to prevent further violence. Such peace officer may transport, or obtain transportation for, the alleged victim to shelter. Upon the request of the protected person, the peace officer may also transport the minor child of the protected person, who is not an emancipated minor, to the same shelter if such shelter is willing to accept the child, whether or not there is a custody order or an order allocating parental responsibilities with respect to such child or an order for the care and control of the child and whether or not the other parent objects. A peace officer who transports a minor child over the objection of the other parent shall not be held liable for any damages that may result from interference with the custody, parental responsibilities, care, and control of or access to a minor child in complying with this subsection (6).
- (b) For purposes of this subsection (6), "shelter" means a battered women's shelter, a friend's or family member's home, or such other safe haven as may be designated by the protected person and which is within a reasonable distance from the location at which the peace officer found the victim.
- (8) The protection order shall contain in capital letters and bold print a notice informing the protected person that such protected person may either initiate contempt proceedings against the restrained person if the order is issued in a civil action or request the prosecuting attorney to initiate contempt proceedings if the order is issued in a criminal action.
- (9) A protection order issued in the state of Colorado shall contain a statement that:
- (a) The order or injunction shall be accorded full faith and credit and be enforced in every civil or criminal court of the United States, another state, an Indian tribe, or a United States territory pursuant to 18 U.S.C. sec. 2265;
- (b) The issuing court had jurisdiction over the parties and subject matter; and
- (c) The defendant was given reasonable notice and opportunity to be heard.
- (10) A criminal action charged pursuant to this section may be tried either in the county where the offense is committed or in the county in which the court that issued the protection order is located, if such court is within this state.

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## 14. RESTITUTION

**COLO. REV. STAT. § 18-9-202.5. Impounded animals—costs of impoundment, provision, and care—disposition—procedures—application—definition.**

- (1)
- (a)
- (I) *The owner or custodian of an animal that has been impounded by an impound agency because of alleged neglect or abuse or because of investigation of charges of cruelty to animals pursuant to section 18-9-202; animal fighting pursuant to section 18-9-204; mistreatment, neglect, or abandonment under article 42 of title 35, C.R.S.; or unlawful ownership of a dangerous dog as described in section 18-9-204.5, may prevent disposition of the animal by an impound agency by filing a payment for impoundment, care, and provision costs with the court in an amount determined by the impound agency to be sufficient to provide for the animal's care and provision at the impound agency for at least thirty days, including the day on which the animal was taken into custody .*
- (II) *To the extent practicable, within seventy-two hours after an impoundment described under subparagraph (I) of this paragraph (a), upon request from the owner or custodian of the impounded animal, the impound agency shall allow a licensed veterinarian of the owner's or custodian's choosing and at his or her expense to examine the animal at a time and place selected by the impound agency, which examination may include taking photographs of the animal and taking biological samples for the purpose of diagnostic testing.*
- (b) *The owner or custodian must file the payment:*
- (I) *Within ten days after the animal is impounded; or*
- (II) *If the owner or custodian requests a hearing pursuant to subparagraph (I) of paragraph (c) of this subsection (1), in accordance with subparagraph (IV) of paragraph (c) of this subsection (1).*
- (c)
- (I) *Within ten days after the date of impoundment, the owner or custodian may request a hearing in a criminal court of competent jurisdiction. the owner or custodian must provide notice to the district attorney of his or her request for a hearing. If the owner or custodian requests a hearing, the court shall hold the hearing within ten days after the request is made.*
- (II) *At the hearing, the court shall determine, as appropriate:*



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- (A) *whether costs associated with the impoundment, care, and provision, as determined by the impound agency, are fair and reasonable and necessary, which costs shall be specifically itemized by the impound agency prior to the date of the hearing and shall include, at a minimum, an accounting of the costs of upkeep and veterinary services*
          - (B) *whether there was sufficient probable cause for the impoundment; and*
          - (B) *if the court finds probable cause for impoundment existed and the owner or custodian elects not to pay the reasonable impoundment, care, or provision costs to prevent disposition, release of the animal to the impound agency for disposition.*
        - (III) A warrant issued in accordance with C.R.C.P. 41 (b) authorizing seizure of the impounded animal constitutes prima facie evidence of sufficient cause for impoundment.
        - (IV) *If probable cause is found at a hearing conducted under this paragraph (c), the owner or custodian shall file payment for costs at the hearing.*
      - (d) *At the end of the time for which expenses are covered by an initial or any subsequent impoundment, care, and provision payment:*
        - (I) *If the owner or custodian desires to prevent disposition of the animal, the owner or custodian must file a new payment with the court within ten days prior to the previous payment's expiration.*
        - (II) If the owner or custodian has not timely filed an additional payment for impoundment, care, and provision costs, the impound agency may determine disposition of the animal unless there is a court order prohibiting disposition. unless subsection (4) of this section applies, the owner or custodian is liable for any additional costs for the care of, provision for, or disposal of the animal.
- (3)
  - (a) Failure to pay the impoundment, care, and provision costs pursuant to subsection (1) of this section results in the forfeiture of the right to contest those costs and any ownership rights to the animal in question.
  - (b) A dog that is not claimed by its owner within five days after being eligible for release from impoundment for investigation of a charge of unlawful ownership of a dangerous dog as described in section 18-9-204.5 IS deemed abandoned and may be disposed of as the impound agency deems proper.
  - (c) If, in the opinion of a licensed veterinarian, an impounded animal is experiencing extreme pain or suffering or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.
- (4) The court shall order an impound agency to refund to the owner or custodian all impoundment, care, and provision payments made for the animal if, after trial, a judge or

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jury enters or returns in favor of the owner or custodian a verdict of not guilty for all charges related to the original impoundment of the animal.

(5)

- (a) *With respect to the sale of an animal, the proceeds are first applied to the costs of the sale and then to the expenses for the care of and provision for the animal during impoundment and the pendency of the sale, including expenses incurred by the impound agency that have not been paid by the owner or custodian. If the owner of the animal is convicted of cruelty to animals under section 18-9-202, animal fighting under section 18-9-204, or unlawful ownership of a dangerous dog under section 18-9-204.5 or is found by court order to have mistreated, neglected, or abandoned the animal under article 42 of title 35, C.R.S., the remaining proceeds, if any, are paid to the impound agency. If the owner of the animal is not convicted of such charges or is not found by court order to have mistreated, neglected, or abandoned the animal, the impound agency shall pay over the remaining proceeds, if any, to the owner of the animal.*
- (b) *If the impound agency is the department of agriculture, the department shall transmit the moneys credited for expenses to the state treasurer, who shall credit them to the animal protection fund created in section 35-42-113, C.R.S.*
- (c) *If the owner of the animal cannot be found, the court shall pay any remaining proceeds after all other expenses have been paid to the impound agency into the animal protection fund or, if the impound agency is not the department of agriculture, to such other impound agency as the court orders. An owner claiming the remaining proceeds must make the claim within one year after the payment of the proceeds to the impound agency. A claim not so presented to the court is forever barred unless the court, by proper order made in any case, otherwise decrees. An impound agency shall pay to the claimant any refund ordered by court decree.*
- (d) *At least six days prior to sale of the animal, the impound agency shall provide written notice to the owner, at the owner's last-known address, of the time and place of the sale of the animal.*
- (e) *If the owner of the animal is unknown, the impound agency shall publish for one week, in a newspaper of general circulation in the jurisdiction in which the animal was found, notice of sale of the animal, and shall further post notice of the sale of the animal at a place provided for public notices in the jurisdiction in which the sale will take place, at least five days prior to the sale.*
- (f) This subsection (4) does not apply to the disposition of an animal for a fee by:
  - (I) Adoption of an animal;
  - (II) Release of an animal to a rescue group licensed pursuant to article 80 of title 35, C.R.S.;
  - (III) Release of an animal to another pet animal facility pursuant to article 80 of title 35, C.R.S.; or
  - (IV) Release of an animal to a rehabilitator licensed by the parks and wildlife division or the United States fish and wildlife service.

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- (6) For purposes of this section, “impound agency” means an animal shelter as defined in section 35-80-102 (1), C.R.S., the department of agriculture, created in section 24-1-123, C.R.S., or any other agency that impounds an animal pursuant to paragraph (a) of subsection (1) of this section or section 18-9-202 (1.8).
- (7) This section does not apply to animals impounded solely under Article 42 of Title 35, C.R.S.

### COLO. REV. STAT. § 18-9-208. Forfeiture of animals.

- (1) Upon the motion of the prosecuting attorney or upon the court’s own motion, after the conviction of a defendant for cruelty to animals as described in section 18-9-202, or for animal fighting as described in section 18-9-204, the court may order the forfeiture of any animal owned by or in the custody of the defendant that:
  - (a) Was abused, neglected, mistreated, injured, or used by the defendant during the course of the criminal episode that gave rise to such conviction;
  - (b) Participated in or was affected by any act set forth in section 18-9- 204(1).
- (2)
  - (a) If an animal is the subject of a motion made under subsection (1) of this section and is not owned by the defendant, the court may nevertheless enter an order of forfeiture of the animal if the court finds that:
    - (I) The animal was abandoned prior to the criminal episode described in subsection (1) of this section;
    - (II) The owner of the animal is unknown; or
    - (III) The owner of the animal is known but cannot be located.
  - (c) Any person who contests a motion brought under this section shall establish such person’s standing as a true owner of the animal. The factors to be considered by the court in determining whether such person is a true owner shall include, but shall not be limited to, the following:
    - (I) Whether the person was the primary user, custodian, or possessor of the animal;
    - (II) Whether there is evidence that ownership of the animal is vested in the person;
    - (III) Whether consideration was paid for the purchase of the animal, and, if so, how much of the consideration was furnished by the person.
  - (d) If the court determines that a person other than the defendant is the true owner of the animal, the court may not enter an order forfeiting the animal under this section unless the court finds:
    - (I) The true owner was involved in the criminal episode described in subsection (1) of this section;
    - (II) The true owner knew or reasonably should have known of the criminal episode described in subsection (1) of this section and

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- failed to take all reasonable steps available to him or her to prevent it; or
- (III) Ownership of the animal was conveyed to the true owner in order to avoid a forfeiture.
- (3) An order of forfeiture entered pursuant to this section shall provide for the immediate disposition of the forfeited animal by any means described in section 18-9-201 (2.5) other than return to the owner. If, in the opinion of a licensed veterinarian, the animal is experiencing extreme pain or suffering, or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.
- (4) *The owner or custodian of an animal that is the subject of a motion brought under this section shall be liable for the cost of the care, keeping, transport, or disposal of the animal. In no event shall the prosecuting attorney or the office of the prosecuting attorney be liable for such cost.*
- (5) The court in its discretion may order a forfeiture authorized by this section as an element of sentencing, as a condition of probation, or as a condition of a deferred sentence.

### COLO. REV. STAT. § 35-42-109. Protection of animals mistreated, neglected, or abandoned.

- (1) No animal shall be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered.
- (2)
- (a) The commissioner may take charge of, provide for, or remove from the area or building where found any companion animal found to be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered. The commissioner shall petition any court of competent jurisdiction for a prompt hearing to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal.
- (b) Pursuant to court order, the commissioner may take charge of, provide for, or remove from the area or building where found any livestock found to be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered. The commissioner shall petition any court of competent jurisdiction for a prompt hearing to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal.
- (3)
- (a) The commissioner shall cause to be served upon the owner:
- (i) If the owner is known and residing within the jurisdiction wherein the animal is found, written notice at least five days prior to the hearing of the time and place of the hearing;

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- (II) If the owner is known but residing out of the jurisdiction where such animal is found or if the commissioner is unable after reasonable attempts to serve the owner, written notice by any method, including posting at least five days prior to the hearing at a place provided for public notices in the jurisdiction wherein such hearing shall be held, or service of process shall be given.
- (b) If the owner is not known, the commissioner shall cause to be published, in a newspaper of general circulation in the jurisdiction wherein such animal is found, notice of the hearing, and shall further cause notice of the hearing to be posted at a place provided for public notices in the jurisdiction wherein such hearing shall be held, at least five days prior to the hearing.
- (4) Such hearing shall be held promptly after the date of the seizure of the animal.
- (5)
  - (a) The commissioner may, in his discretion, provide for such animal until judgment by the court.
  - (b) The court may order the animal sold and the proceeds deposited in the registry of the court pending a decision.
  - (c) The court may adjudge that the owner is a person able to adequately provide for such animal and a person fit to own the animal, in which case the animal shall be returned to the owner *after all reasonable expenses of any food, shelter, and care provided by the commissioner have been paid; except that, if such expenses are not paid within ten days of a court order adjudging the owner a person able to adequately provide for such animal and a person fit to own the animal, the commissioner may, in his discretion and without liability, dispose of the animal by selling it at public auction, placing it for adoption in a suitable home, giving it to a suitable animal shelter, or humanely destroying it as deemed proper by the commissioner.*
  - (d) *With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds shall be paid into the estray fund, created pursuant to section 35-41-102.*
  - (e) At least six days prior to disposing of the animal, the commissioner shall provide written notice to the owner at his last-known address of the time and place of the disposition of the animal.
- (6)
  - (a) *If the owner is adjudged by the court a person unable to adequately provide for the animal or a person not fit to own the animal, then the court shall order that the animal be:*
    - (I) *Sold by the commissioner at public auction;*
    - (II) *Placed for adoption in a suitable home;*
    - (III) *Given to a suitable animal shelter;*
    - (IV) *Humanely destroyed as deemed proper by the court; or*

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- (V) Disposed of in any other manner as deemed proper by the court.
- (b) In no case shall the person adjudged unable to adequately provide for the animal or unfit to own the animal be allowed to purchase directly or indirectly the animal at any sale.
- (c) *With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, with the remaining proceeds, if any, being paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds shall be paid into the estray fund, created pursuant to section 35-41-102.*
- (7) Nothing in this section shall be construed to prohibit the destruction of an animal as provided in section 35-42-110.
- (8) Any officer or agent of the bureau may lawfully interfere to prevent the perpetration of an act of mistreatment, neglect, abandonment, or cruelty, pursuant to part 2 of article 9 of title 18, C.R.S., which act occurs in his presence.

### **COLO. REV. STAT. § 35-42-113. Animal protection fund—creation.**

- (1) *There is hereby created an animal protection fund. Any donations collected for animal protection, any net proceeds from the sale of an animal pursuant to section 18-9-202.5(4), C.R.S., and any moneys from restitution ordered for the expenses of the department of agriculture in selling and providing for the care of and provision for an animal disposed of under the animal cruelty laws in accordance with part 2 of article 9 of title 18, C.R.S., or this article shall be transmitted to the state treasurer, who shall credit the moneys to the animal protection fund. The general assembly shall make annual appropriations from that fund to the department of agriculture to aid in carrying out the purposes of this article; except that no such appropriations may be made for personal services.*
- (2) *All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. The moneys in the fund shall not be transferred or credited to the general fund or to any other fund except as directed by the general assembly through legislation.*

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## 15. FORFEITURE &amp; POSSESSION BANS

**COLO. REV. STAT. § 18-9-202. Cruelty to animals--aggravated cruelty to animals--neglect of animals—offenses.**

- (1)
- (a) A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overdrives, overloads, overworks, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, carries or confines in or upon any vehicles in a cruel or reckless manner, engages in a sexual act with an animal, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather consistent with the species, breed, and type of animal involved, or abandons an animal.
  - (b) Any person who intentionally abandons a dog or cat commits the offense of cruelty to animals.
- (1.5)
- (a) A person commits cruelty to animals if he or she recklessly or with criminal negligence tortures, needlessly mutilates, or needlessly kills an animal.
  - (b) A person commits aggravated cruelty to animals if he or she knowingly tortures, needlessly mutilates, or needlessly kills an animal.
  - (c) A person commits cruelty to a service animal or a certified police working dog or 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 police working horse, as those terms are defined in sections 18-9-201 (2.3), (2.4) and (4.7), whether the service animal, certified police working dog, or working horse is on duty or not on duty.
- (1.8) A peace officer having authority to act under this section may take possession of and impound an animal that the peace officer has probable cause to believe is a victim of a violation of subsection (1) or (1.5) of this section or is a victim of a violation of section 18-9-204 and as a result of the violation is endangered if it remains with the owner or custodian. If, in the opinion of a licensed veterinarian, an animal impounded pursuant to this subsection (1.8) is experiencing extreme pain or suffering, or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.
- (2)
- (a) Except as otherwise provided in subsection (2)(b) of this section, cruelty to animals, or cruelty to a service animal, certified police working dog, or police working horse pursuant to subsection (1.5)(c) of this section, is a class 1

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misdemeanor.

(a.5)

- (I) Repealed by Laws 2000, Ch. 282, § 2, eff. July 1, 2005.
- (II) In addition to any other sentence imposed for a violation of this section, the court may order an offender to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (III) The court shall order an evaluation to be conducted prior to sentencing to assist the court in determining an appropriate sentence. If the violation is a felony offense in violation of subsection (1.5) of this section, a felony offense in violation of subsection (2)(b)(II) of this section, or any other violation of this section demonstrating knowing torture or torment of an animal that needlessly injured, mutilated, or killed the animal, the court shall require a comprehensive evaluation to help determine the causative factors. The person ordered to undergo an evaluation shall be required to pay the cost of the evaluation, unless the person qualifies for a public defender, then the cost will be paid by the judicial district. If the evaluation results in a recommendation of treatment and if the court so finds, the person must be ordered to complete, as a condition of any sentence to probation or a deferred judgement or sentence, an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (IV) Upon successful completion of an anger management treatment program, a mental health treatment program, or any other appropriate treatment program, the court may suspend any fine imposed, except for a five hundred dollar mandatory minimum fine which shall be imposed at the time of sentencing.
- (V) In addition to any other sentence imposed upon a person for a violation of any criminal law under 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 certified police working dog or police working horse pursuant to subsection (1.5)(c) of this section 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.

*(V.5) In addition to any other sentence imposed for a felony conviction pursuant to this section, the court shall enter an order prohibiting*



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*the defendant from owning, possessing, or caring for a pet animal as defined in section 35-80-102(10) as a condition of the sentence for a period of three to five years, unless the defendant's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.*

- (VI) Nothing in this paragraph (a.5) shall preclude the court from ordering treatment in any appropriate case.
  - (VII) This subsection (2)(a.5) does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted agricultural animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, the treatment of animals involved in research if the research facility is operating under rules set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, wildlife nuisances, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.
- (b)
- (I) A second or subsequent conviction under the provisions of paragraph (a) of subsection (1) of this section is a class 6 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.
  - (II) In any case where the court sentences a person convicted of a class 6 felony under the provisions of this paragraph (b) to probation, the court shall, in addition to any other condition of probation imposed, order that:
    - (A) The offender, pursuant to section 18-1.3-202(1), be committed to the county jail for ninety days; or
    - (B) The offender, pursuant to section 18-1.3-105(3), be subject to home detention for no fewer than ninety days.
  - (III) In any case where an offender is committed to the county jail or placed in home detention pursuant to subparagraph (II) of this paragraph (b), the court shall enter judgment against the offender for all costs assessed pursuant to section 18-1.3-701, including, but not limited to, the cost of care.
- (c) Aggravated cruelty to animals is a class 6 felony; except that a second or subsequent conviction for the offense of aggravated cruelty to animals is a class 5 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for purposes of this section.
- (d)

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- (I) If a person is convicted of cruelty to a service animal pursuant to paragraph (c) of subsection (1.5) of this section, the court shall order him or her to make restitution to the agency or individual owning the service animal for any veterinary bills and replacement costs of the service animal if it is disabled or killed as a result of the cruelty to animals incident.
  - (II) If a person is convicted of cruelty to a certified police working dog or 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 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 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 police working horse for all training and certification costs related to the certified police working dog or police working horse.
- (2.5) It shall be an affirmative defense to a charge brought under this section involving injury or death to a dog that the dog was found running, worrying, or injuring sheep, cattle, or other livestock.
- (3) Nothing in this part 2 modifies in any manner the authority of the parks and wildlife commission, as established in title 33, C.R.S., or prohibits any conduct authorized or permitted under title 33, C.R.S.
- (4) The short title of this section is “Punky’s Law.”

### **COLO. REV. STAT. § 18-9-202.5. Impounded animals—costs of impoundment, provision, and care—disposition—procedures—application—definition.**

- (1)
  - (a)
    - (I) *The owner or custodian of an animal that has been impounded by an impound agency because of alleged neglect or abuse or because of investigation of charges of cruelty to animals pursuant to section 18-9-202; animal fighting pursuant to section 18-9-204; mistreatment, neglect, or abandonment under article 42 of title 35, C.R.S.; or unlawful ownership of a dangerous dog as described in section 18-9-204.5, may prevent disposition of the animal by an*

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*impound agency by filing a payment for impoundment, care, and provision costs with the court in an amount determined by the impound agency to be sufficient to provide for the animal's care and provision at the impound agency for at least thirty days, including the day on which the animal was taken into custody.*

- (II) To the extent practicable, within seventy-two hours after an impoundment described under subparagraph (I) of this paragraph (a), upon request from the owner or custodian of the impounded animal, the impound agency shall allow a licensed veterinarian of the owner's or custodian's choosing and at his or her expense to examine the animal at a time and place selected by the impound agency, which examination may include taking photographs of the animal and taking biological samples for the purpose of diagnostic testing.
- (b) The owner or custodian must file the payment:
- (I) Within ten days after the animal is impounded; or
  - (II) If the owner or custodian requests a hearing pursuant to subparagraph (I) of paragraph (c) of this subsection (1), in accordance with subparagraph (IV) of paragraph (c) of this subsection (1).
- (c)
- (I) *Within ten days after the date of impoundment, the owner or custodian may request a hearing in a criminal court of competent jurisdiction. the owner or custodian must provide notice to the district attorney of his or her request for a hearing. If the owner or custodian requests a hearing, the court shall hold the hearing within ten days after the request is made.*
  - (II) *At the hearing, the court shall determine, as appropriate:*
    - (A) *whether costs associated with the impoundment, care, and provision, as determined by the impound agency, are fair and reasonable and necessary, which costs shall be specifically itemized by the impound agency prior to the date of the hearing and shall include, at a minimum, an accounting of the costs of upkeep and veterinary services*
    - (B) *whether there was sufficient probable cause for the impoundment; and*
    - (C) *if the court finds probable cause for impoundment existed and the owner or custodian elects not to pay the reasonable impoundment, care, or provision costs to prevent disposition, release of the animal to the impound agency for disposition.*
  - (III) *A warrant issued in accordance with C.R.C.P. 41 (b) authorizing seizure of the impounded animal constitutes prima facie evidence of sufficient cause for impoundment.*

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- (IV) If probable cause is found at a hearing conducted under this paragraph (c), the owner or custodian shall file payment for costs at the hearing.
- (d) *At the end of the time for which expenses are covered by an initial or any subsequent impoundment, care, and provision payment:*
  - (I) *If the owner or custodian desires to prevent disposition of the animal, the owner or custodian must file a new payment with the court within ten days prior to the previous payment's expiration.*
  - (II) *If the owner or custodian has not timely filed an additional payment for impoundment, care, and provision costs, the impound agency may determine disposition of the animal unless there is a court order prohibiting disposition. Unless subsection (4) of this section applies, the owner or custodian is liable for any additional costs for the care of, provision for, or disposal of the animal.*
- (2)
  - (a) *Failure to pay the impoundment, care, and provision costs pursuant to subsection (1) of this section results in the forfeiture of the right to contest those costs and any ownership rights to the animal in question.*
  - (b) *A dog that is not claimed by its owner within five days after being eligible for release from impoundment for investigation of a charge of unlawful ownership of a dangerous dog as described in section 18-9-204.5 is deemed abandoned and may be disposed of as the impound agency deems proper.*
  - (c) If, in the opinion of a licensed veterinarian, an impounded animal is experiencing extreme pain or suffering or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.
- (3) The court shall order an impound agency to refund to the owner or custodian all impoundment, care, and provision payments made for the animal if, after trial, a judge or jury enters or returns in favor of the owner or custodian a verdict of not guilty for all charges related to the original impoundment of the animal.
- (4)
  - (a) With respect to the sale of an animal, the proceeds are first applied to the costs of the sale and then to the expenses for the care of and provision for the animal during impoundment and the pendency of the sale, including expenses incurred by the impound agency that have not been paid by the owner or custodian. If the owner of the animal is convicted of cruelty to animals under section 18-9-202, animal fighting under section 18-9-204, or unlawful ownership of a dangerous dog under section 18-9-204.5 or is found by court order to have mistreated, neglected, or abandoned the animal under article 42 of title 35, C.R.S., the remaining proceeds, if any, are paid to the impound agency. If the owner of the animal is not convicted of such charges or is not found by court order to have mistreated, neglected, or abandoned the animal, the impound agency shall pay over the remaining proceeds, if any, to the owner of the animal.

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- (b) If the impound agency is the department of agriculture, the department shall transmit the moneys credited for expenses to the state treasurer, who shall credit them to the animal protection fund created in section 35-42-113, C.R.S.
- (c) If the owner of the animal cannot be found, the court shall pay any remaining proceeds after all other expenses have been paid to the impound agency into the animal protection fund or, if the impound agency is not the department of agriculture, to such other impound agency as the court orders. An owner claiming the remaining proceeds must make the claim within one year after the payment of the proceeds to the impound agency. A claim not so presented to the court is forever barred unless the court, by proper order made in any case, otherwise decrees. An impound agency shall pay to the claimant any refund ordered by court decree.
- (d) *At least six days prior to sale of the animal, the impound agency shall provide written notice to the owner, at the owner's last-known address, of the time and place of the sale of the animal.*
- (e) *If the owner of the animal is unknown, the impound agency shall publish for one week, in a newspaper of general circulation in the jurisdiction in which the animal was found, notice of sale of the animal, and shall further post notice of the sale of the animal at a place provided for public notices in the jurisdiction in which the sale will take place, at least five days prior to the sale.*
- (f) This subsection (4) does not apply to the disposition of an animal for a fee by:
  - (I) Adoption of an animal;
  - (II) Release of an animal to a rescue group licensed pursuant to article 80 of title 35, C.R.S.;
  - (III) Release of an animal to another pet animal facility pursuant to article 80 of title 35, C.R.S.; or
  - (IV) Release of an animal to a rehabilitator licensed by the parks and wildlife division or the United States fish and wildlife service.
- (5) For purposes of this section, "impound agency" means an animal shelter as defined in section 35-80-102 (1), C.R.S., the department of agriculture, created in section 24-1-123, C.R.S., or any other agency that impounds an animal pursuant to paragraph (a) of subsection (1) of this section or section 18-9-202 (1.8).
- (6) This section does not apply to animals impounded solely under Article 42 of Title 35, C.R.S.

### COLO. REV. STAT. § 18-9-208. Forfeiture of animals.

- (1) *Upon the motion of the prosecuting attorney or upon the court's own motion, after the conviction of a defendant for cruelty to animals as described in section 18-9-202, or for animal fighting as described in section 18-9-204, the court may order the forfeiture of any animal owned by or in the custody of the defendant that:*
  - (a) *Was abused, neglected, mistreated, injured, or used by the defendant during the*

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- course of the criminal episode that gave rise to such conviction;*
- (b) *Participated in or was affected by any act set forth in section 18-9- 204(1).*
- (2)
- (a) *If an animal is the subject of a motion made under subsection (1) of this section and is not owned by the defendant, the court may nevertheless enter an order of forfeiture of the animal if the court finds that:*
- (I) *The animal was abandoned prior to the criminal episode described in subsection (1) of this section;*
  - (II) *The owner of the animal is unknown; or*
  - (III) *The owner of the animal is known but cannot be located.*
- (b) *Any person who contests a motion brought under this section shall establish such person's standing as a true owner of the animal. The factors to be considered by the court in determining whether such person is a true owner shall include, but shall not be limited to, the following:*
- (I) *Whether the person was the primary user, custodian, or possessor of the animal;*
  - (II) *Whether there is evidence that ownership of the animal is vested in the person;*
  - (III) *Whether consideration was paid for the purchase of the animal, and, if so, how much of the consideration was furnished by the person.*
- (c) *If the court determines that a person other than the defendant is the true owner of the animal, the court may not enter an order forfeiting the animal under this section unless the court finds:*
- (I) *The true owner was involved in the criminal episode described in subsection (1) of this section;*
  - (II) *The true owner knew or reasonably should have known of the criminal episode described in subsection (1) of this section and failed to take all reasonable steps available to him or her to prevent it; or*
  - (III) *Ownership of the animal was conveyed to the true owner in order to avoid a forfeiture.*
- (3) *An order of forfeiture entered pursuant to this section shall provide for the immediate disposition of the forfeited animal by any means described in section 18-9-201 (2.5) other than return to the owner. If, in the opinion of a licensed veterinarian, the animal is experiencing extreme pain or suffering, or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.*
- (4) *The owner or custodian of an animal that is the subject of a motion brought under this section shall be liable for the cost of the care, keeping, transport, or disposal of the animal. In no event shall the prosecuting attorney or the office of the prosecuting attorney be liable for such cost.*
- (5) *The court in its discretion may order a forfeiture authorized by this section as an element of sentencing, as a condition of probation, or as a condition of a deferred sentence.*

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### COLO. REV. STAT. § 19-2-918.5. Sentencing—animal cruelty—anger management treatment.

- (1) In addition to any sentence imposed pursuant to this section, any juvenile who has been adjudicated a juvenile delinquent for the commission of cruelty to animals, as described in section 18-9-202, in which the underlying factual basis of which has been found by the court to include the knowing or intentional torture or torment of an animal that needlessly injured, mutilated, or killed an animal, may be ordered to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (2) The court may order an evaluation to be conducted prior to disposition if an evaluation would assist the court in determining an appropriate disposition. The parents or legal guardian of the juvenile ordered to undergo an evaluation shall be required to pay the cost of the evaluation. If the evaluation results in a recommendation of treatment and if the court so finds, the juvenile must be ordered to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (3) The disposition for any juvenile who has been adjudicated a juvenile delinquent a second or subsequent time, the underlying factual basis of which has been found by the court to include an act of cruelty to animals, as described in section 18-9-202, must include the completion of an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
- (3.5) *In addition to any sentence imposed pursuant to this section for any juvenile who has been adjudicated a juvenile delinquent for the commission of cruelty to animals, as described in section 18-9-202, the court may enter an order prohibiting the juvenile or other party from owning, possessing, or caring for a pet animal as defined in section 35-80-102(10), unless the juvenile's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.*
- (4) Nothing in this section shall preclude the court from ordering treatment in any appropriate case.
- (5) This section does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, the treatment of animals involved in research if the research facility is operating under rules and regulations set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.

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### COLO. REV. STAT. § 35-80-102. Definitions.

As used in this article, unless the context otherwise requires:

- (1) *“Animal shelter” means a public or private facility licensed pursuant to this article and the rules and regulations adopted pursuant thereto.*
- (1.5) *“Bird hobby breeder facility” means any facility engaged in the operation of breeding and raising birds for the purpose of personal enjoyment that does not transfer more than thirty birds per year.*
- (2) *“Canine hobby breeder facility” means any facility which transfers no more than twenty-four dogs per year or breeds no more than two litters per year, whichever is greater.*
- (2.5) Deleted by Laws 2000, Ch. 290, § 4, eff. May 30, 2000.
- (3) *“Commission” means the state agricultural commission.*
- (4) *“Commissioner” means the commissioner of agriculture, or the designee of the commissioner.*
- (5) *“Committee” means the pet animal advisory committee created in section 35-80-115.*
- (6) *“Department” means the department of agriculture.*
- (6.3) *“Dispose” or “disposition” means adoption of a pet animal, return of a pet animal to the owner, release of a pet animal to a rescue group licensed pursuant to this article, release of a pet animal to another pet animal facility licensed pursuant to this article or to a rehabilitator licensed by the division of wildlife or the United States fish and wildlife service, or euthanasia.*
- (6.5) *“Dog breeder” means any firm, person, or corporation which is engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away, or otherwise transferring same, excluding racing greyhounds that are not intended to be companion pets.*
- (6.6) *“Dog breeder, large scale operation” or “large scale operation dog breeder” means a dog breeder that transfers at least one hundred dogs per year, excluding racing greyhounds that are not intended to be companion pets.*
- (6.7) *“Dog breeder, small scale operation” or “small scale operation dog breeder” means a dog breeder that transfers at least twenty-five but no more than ninety-nine dogs per year.*
- (7) *“Euthanasia” means to produce a humane death by techniques accepted by the American veterinary medical association.*
- (8) *“Feline hobby breeder facility” means any facility that produces or transfers no more than twenty-four cats per year or breeds no more than three litters per year.*
- (8.7) *“Licensed veterinarian” means a person who is licensed to practice veterinary medicine in this state pursuant to article 315 of title 12.*
- (9) *“Livestock” means cattle, horses, mules, burros, sheep, poultry, swine, llama, and goats, regardless of use, and any animal that is used for working purposes on a farm or ranch, and any other animal designated by the commissioner, which animal is raised for food or fiber production.*
- (10) *“Pet animal” means dogs, cats, rabbits, guinea pigs, hamsters, mice, rats, gerbils, ferrets,*



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- birds, fish, reptiles, amphibians, and invertebrates, or any other species of wild or domestic or hybrid animal sold, transferred, or retained for the purpose of being kept as a household pet, except livestock, as defined in subsection (9) of this section. “Pet animal” does not include an animal that is used for working purposes on a farm or ranch.
- (11) “Pet animal facility” means any place or premise used in whole or in part, which part is used for the keeping of pet animals for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, or otherwise transferring such animals. “Pet animal facility” also includes any individual animals kept by such a facility as breeding stock, such licensing of individual breeding stock to be inclusive in the pet animal facility license. “Pet animal facility” shall not mean a common carrier engaged in intrastate or interstate commerce. For purposes of this article, two or more animal facilities that have the same or a similar purpose and operate from one place or premises shall be considered a single pet animal facility.
- (11.2) “Pet animal rescue” means any person licensed pursuant to this article who accepts pet animals for the purpose of finding permanent adoptive homes for animals and does not maintain a central facility for keeping animals, but rather uses a system of fostering in private homes or boarding or keeping pets in licensed pet animal facilities.
- (11.4) “Prospective owner” means a person who has no prior rights of ownership to the pet animal to be adopted.
- (11.6) “Release” means adoption, sale, or other transfer to the permanent custody of an owner by an animal shelter or pet animal rescue.
- (11.8) “Small animal breeder facility” means any facility that transfers more small mammals than the maximum number established by the commissioner by rule for each particular species.
- (12) “Small animal hobby breeder facility” means any facility that transfers a number of small mammals that is less than the maximum number established by the commissioner by rule for each particular species.
- (13) Deleted by Laws 2000, Ch. 290, § 4, eff. May 30, 2000.
- (14) “Sterilization” means the act of permanently rendering an animal incapable of reproduction. The term applies to surgical methods, including the procedures commonly referred to as spay and neuter, and nonsurgical methods and technologies approved by the United States food and drug administration, the United States department of agriculture, or other appropriate designated federal authority.

### COLO. REV. STAT. § 35-42-108. Care of confined animal.

- (1) Except as authorized by law, no animal shall be confined without an adequate supply of food and water. If any animal is found to be confined without adequate food or water, it shall be lawful for any officer or agent of the bureau, a peace officer within his jurisdiction, or a licensed veterinarian to, from time to time as may be necessary, enter into any and upon any area or building where such animal is confined and supply it with adequate food and water; except that such entry shall not be made into any building

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which is a person's residence, unless by search warrant or court order.

- (2) Such officer, agent, peace officer, or veterinarian shall not be liable in any action for such entry.
- (3) Notice of the entry and care shall be given by posting such notification at an entrance to or at a conspicuous place upon such area or building where such animal is confined.
- (4) *In the case of companion animals, if such animal is not cared for by a person other than an agent or officer of the bureau or a peace officer or veterinarian within seventy-two hours of the posting of said notification, such animal shall be presumed to have been abandoned under circumstances in which the animal's life or health is endangered.*

### COLO. REV. STAT. § 35-42-109. Protection of animals mistreated, neglected, or abandoned.

- (1) No animal shall be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered.
- (2)
  - (a) The commissioner may take charge of, provide for, or remove from the area or building where found any companion animal found to be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered. The commissioner shall petition any court of competent jurisdiction for a prompt hearing to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal.
  - (b) Pursuant to court order, the commissioner may take charge of, provide for, or remove from the area or building where found any livestock found to be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered. The commissioner shall petition any court of competent jurisdiction for a prompt hearing to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal.
- (3)
  - (a) The commissioner shall cause to be served upon the owner:
    - (I) If the owner is known and residing within the jurisdiction wherein the animal is found, written notice at least five days prior to the hearing of the time and place of the hearing;
    - (II) If the owner is known but residing out of the jurisdiction where such animal is found or if the commissioner is unable after reasonable attempts to serve the owner, written notice by any method, including posting at least five days prior to the hearing at a place provided for public notices in the jurisdiction wherein such hearing shall be held, or service of process shall be given.
  - (b) If the owner is not known, the commissioner shall cause to be published, in a newspaper of general circulation in the jurisdiction wherein such animal is

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found, notice of the hearing, and shall further cause notice of the hearing to be posted at a place provided for public notices in the jurisdiction wherein such hearing shall be held, at least five days prior to the hearing.

- (4) Such hearing shall be held promptly after the date of the seizure of the animal.
- (5)
- (a) The commissioner may, in his discretion, provide for such animal until judgment by the court.
  - (b) *The court may order the animal sold and the proceeds deposited in the registry of the court pending a decision.*
  - (c) The court may adjudge that the owner is a person able to adequately provide for such animal and a person fit to own the animal, in which case the animal shall be returned to the owner after all reasonable expenses of any food, shelter, and care provided by the commissioner have been paid; *except that, if such expenses are not paid within ten days of a court order adjudging the owner a person able to adequately provide for such animal and a person fit to own the animal, the commissioner may, in his discretion and without liability, dispose of the animal by selling it at public auction, placing it for adoption in a suitable home, giving it to a suitable animal shelter, or humanely destroying it as deemed proper by the commissioner.*
  - (d) With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds shall be paid into the estray fund, created pursuant to section 35-41-102.
  - (e) *At least six days prior to disposing of the animal, the commissioner shall provide written notice to the owner at his last-known address of the time and place of the disposition of the animal.*
- (6)
- (a) *If the owner is adjudged by the court a person unable to adequately provide for the animal or a person not fit to own the animal, then the court shall order that the animal be:*
    - (I) *Sold by the commissioner at public auction;*
    - (II) *Placed for adoption in a suitable home;*
    - (III) *Given to a suitable animal shelter;*
    - (IV) *Humanely destroyed as deemed proper by the court; or*
    - (V) *Disposed of in any other manner as deemed proper by the court.*
  - (b) *In no case shall the person adjudged unable to adequately provide for the animal or unfit to own the animal be allowed to purchase directly or indirectly the animal at any sale.*
  - (c) With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, with the remaining proceeds, if any, being paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds

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shall be paid into the estray fund, created pursuant to section 35-41-102.

- (7) Nothing in this section shall be construed to prohibit the destruction of an animal as provided in section 35-42-110.
- (8) Any officer or agent of the bureau may lawfully interfere to prevent the perpetration of an act of mistreatment, neglect, abandonment, or cruelty, pursuant to part 2 of article 9 of title 18, C.R.S., which act occurs in his presence.

### **COLO. REV. STAT. § 35-42-110. Injured animals may be euthanized.**

*Any agent of the bureau or peace officer, as described in section 16-2.5-101, C.R.S., may lawfully euthanize or cause to be euthanized, as defined in section 18-9-201 (2.7), C.R.S., any animal in his or her charge when, in the judgment of such agent or peace officer, and in the opinion of a licensed veterinarian, the animal is experiencing extreme pain or suffering or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery. In the event a licensed veterinarian is not available, the animal may be euthanized if, by the written certificate of two persons, one of whom may be selected by the owner if the owner so requests, called to view the animal in the presence of the agent, the animal appears to be severely injured past recovery, severely disabled past recovery, severely diseased past recovery, or unfit for any useful purpose.*

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## 16. COURT-ORDERED TREATMENT

**COLO. REV. STAT. § 18-9-202. Cruelty to animals--aggravated cruelty to animals--neglect of animals—offenses.**

- (1)
- (a) A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overdrives, overloads, overworks, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, carries or confines in or upon any vehicles in a cruel or reckless manner, engages in a sexual act with an animal, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather consistent with the species, breed, and type of animal involved, or abandons an animal.
  - (b) Any person who intentionally abandons a dog or cat commits the offense of cruelty to animals.
- (1.5)
- (a) A person commits cruelty to animals if he or she recklessly or with criminal negligence tortures, needlessly mutilates, or needlessly kills an animal.
  - (b) A person commits aggravated cruelty to animals if he or she knowingly tortures, needlessly mutilates, or needlessly kills an animal.
  - (c) A person commits cruelty to a service animal or a certified police working dog or 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 police working horse, as those terms are defined in sections 18-9-201 (2.3), (2.4) and (4.7), whether the service animal, certified police working dog, or working horse is on duty or not on duty.
- (1.8) A peace officer having authority to act under this section may take possession of and impound an animal that the peace officer has probable cause to believe is a victim of a violation of subsection (1) or (1.5) of this section or is a victim of a violation of section 18-9-204 and as a result of the violation is endangered if it remains with the owner or custodian. If, in the opinion of a licensed veterinarian, an animal impounded pursuant to this subsection (1.8) is experiencing extreme pain or suffering, or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.
- (2)
- (a) Except as otherwise provided in subsection (2)(b) of this section, cruelty to animals, or cruelty to a service animal, certified police working dog, or police working horse pursuant to subsection (1.5)(c) of this section, is a class 1 misdemeanor.

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- (a.5)
- (I) Repealed by Laws 2000, Ch. 282, § 2, eff. July 1, 2005.
  - (II) *In addition to any other sentence imposed for a violation of this section, the court may order an offender to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.*
  - (III) *The court shall order an evaluation to be conducted prior to sentencing to assist the court in determining an appropriate sentence. If the violation is a felony offense in violation of subsection (1.5) of this section, a felony offense in violation of subsection (2)(b)(II) of this section, or any other violation of this section demonstrating knowing torture or torment of an animal that needlessly injured, mutilated, or killed the animal, the court shall require a comprehensive evaluation to help determine the causative factors. The person ordered to undergo an evaluation shall be required to pay the cost of the evaluation, unless the person qualifies for a public defender, then the cost will be paid by the judicial district. If the evaluation results in a recommendation of treatment and if the court so finds, the person must be ordered to complete, as a condition of any sentence to probation or a deferred judgement or sentence, an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.*
  - (IV) *Upon successful completion of an anger management treatment program, a mental health treatment program, or any other appropriate treatment program, the court may suspend any fine imposed, except for a five hundred dollar mandatory minimum fine which shall be imposed at the time of sentencing.*
  - (V) *In addition to any other sentence imposed upon a person for a violation of any criminal law under 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 certified police working dog or police working horse pursuant to subsection (1.5)(c) of this section 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.*
  - (V.5) *In addition to any other sentence imposed for a felony conviction pursuant to this section, the court shall enter an order prohibiting the defendant from owning, possessing, or caring for a pet animal as defined in section 35-80-102(10) as a condition of the sentence*

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*for a period of three to five years, unless the defendant's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.*

(VI) *Nothing in this paragraph (a.5) shall preclude the court from ordering treatment in any appropriate case.*

(VII) This subsection (2)(a.5) does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted agricultural animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, the treatment of animals involved in research if the research facility is operating under rules set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, wildlife nuisances, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.

(e)

(I) A second or subsequent conviction under the provisions of paragraph (a) of subsection (1) of this section is a class 6 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.

(II) In any case where the court sentences a person convicted of a class 6 felony under the provisions of this paragraph (b) to probation, the court shall, in addition to any other condition of probation imposed, order that:

(A) The offender, pursuant to section 18-1.3-202(1), be committed to the county jail for ninety days; or

(B) The offender, pursuant to section 18-1.3-105(3), be subject to home detention for no fewer than ninety days.

(III) In any case where an offender is committed to the county jail or placed in home detention pursuant to subparagraph (II) of this paragraph (b), the court shall enter judgment against the offender for all costs assessed pursuant to section 18-1.3-701, including, but not limited to, the cost of care.

(f) Aggravated cruelty to animals is a class 6 felony; except that a second or subsequent conviction for the offense of aggravated cruelty to animals is a class 5 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for purposes of this section.

(g)

(I) If a person is convicted of cruelty to a service animal pursuant to paragraph (c) of subsection (1.5) of this section, the court shall

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order him or her to make restitution to the agency or individual owning the service animal for any veterinary bills and replacement costs of the service animal if it is disabled or killed as a result of the cruelty to animals incident.

- (II) If a person is convicted of cruelty to a certified police working dog or 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 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 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 police working horse for all training and certification costs related to the certified police working dog or police working horse.

- (2.5) It shall be an affirmative defense to a charge brought under this section involving injury or death to a dog that the dog was found running, worrying, or injuring sheep, cattle, or other livestock.
- (3) Nothing in this part 2 modifies in any manner the authority of the parks and wildlife commission, as established in title 33, C.R.S., or prohibits any conduct authorized or permitted under title 33, C.R.S.
- (4) The short title of this section is “Punky’s Law.”

### COLO. REV. STAT. § 19-2-918.5. Sentencing—animal cruelty—anger management treatment.

- (1) *In addition to any sentence imposed pursuant to this section, any juvenile who has been adjudicated a juvenile delinquent for the commission of cruelty to animals, as described in section 18-9-202, in which the underlying factual basis of which has been found by the court to include the knowing or intentional torture or torment of an animal that needlessly injured, mutilated, or killed an animal, may be ordered to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.*
- (2) *The court may order an evaluation to be conducted prior to disposition if an evaluation would assist the court in determining an appropriate disposition. The parents or legal guardian of the juvenile ordered to undergo an evaluation shall be required to pay the cost of the evaluation. If the evaluation results in a recommendation of treatment and if*



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*the court so finds, the juvenile must be ordered to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.*

*(3) The disposition for any juvenile who has been adjudicated a juvenile delinquent a second or subsequent time, the underlying factual basis of which has been found by the court to include an act of cruelty to animals, as described in section 18-9-202, must include the completion of an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.*

(3.5) In addition to any sentence imposed pursuant to this section for any juvenile who has been adjudicated a juvenile delinquent for the commission of cruelty to animals, as described in section 18-9-202, the court may enter an order prohibiting the juvenile or other party from owning, possessing, or caring for a pet animal as defined in section 35-80-102(10), unless the juvenile's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.

*(4) Nothing in this section shall preclude the court from ordering treatment in any appropriate case.*

(5) This section does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, the treatment of animals involved in research if the research facility is operating under rules and regulations set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.

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## 17. HOT CARS

**COLO. REV. STAT. § 13-21-108.4. Persons rendering emergency assistance from a locked vehicle--exempt from criminal and civil liability--definitions**

- (1) For purposes of this section, unless the context otherwise requires:
  - (a) “Animal” means a dog or cat. The term “animal” does not include livestock, as defined in subsection (1)(c) of this section.
  - (b) “At-risk person” means an at-risk adult, an at-risk adult with IDD, an at-risk elder, or an at-risk juvenile, as those terms are defined in section 18-6.5-102.
  - (c) “Livestock” means cattle, horses, mules, burros, sheep, poultry, swine, llamas, and goats.
- (2) *A person is immune from civil and criminal liability for property damage resulting from his or her forcible entry into a locked vehicle if:*
  - (a) *The vehicle is not a law enforcement vehicle; and*
  - (b) *An at-risk person or animal is present in the vehicle and the person rendering assistance has a reasonable belief that the at-risk person or animal is in imminent danger of death or suffering serious bodily injury; and*
  - (c) *The person determines that the vehicle is locked and that forcible entry is necessary; and*
  - (d) *The person makes a reasonable effort to locate the owner or operator of the vehicle and documents the color, make, model, license plate number, and location of the vehicle; and*
  - (e) *The person contacts a local law enforcement agency, the fire department, animal control, or a 911 operator prior to forcibly entering the vehicle, and the person does not interfere with, hinder, or fail to obey a lawful order of any person duly empowered with police authority or other first responder duties who is discharging or apparently discharging his or her duties; and*
  - (f) *The person uses no more force than he or she believes is reasonably necessary; and*
  - (g)
    - (I) *The person rendering assistance remains with the at-risk person or animal, reasonably close to the vehicle, until a law enforcement officer, emergency medical service provider, animal control officer, or other first responder arrives at the scene.*
    - (II) *If it is necessary for the person rendering assistance to leave the scene before the owner or operator of the vehicle returns to the scene, or before a law enforcement officer, emergency medical service provider, animal control officer, or other first responder arrives at the scene, and regardless of whether or not the person rendering assistance took the at-risk person or animal to a hospital, an appropriate law enforcement, animal control, or veterinary facility, prior to leaving the scene the person rendering assistance*

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*shall:*

- (A) *Place a notice on the windshield of the vehicle that includes his or her name and contact information and the name and contact information of the location, if any, to which the person rendering assistance took the at-risk person or animal when he or she left the scene; and*
- (B) *Contact law enforcement, animal control, or other first responder to advise them of his or her name and contact information, that he or she is leaving the scene, and the name and contact information of the location, if any, to which the person rendering assistance is taking the at-risk person or animal.*

### **COLO. REV. STAT. § 18-1-706.5. Justification and exemption from liability when rendering emergency assistance to an at-risk person or animal in a locked vehicle.**

*A person is justified and exempt from criminal liability for criminal mischief, criminal trespass, or criminal tampering involving property if such action occurred when he or she rendered emergency assistance to an at-risk person or animal in a locked vehicle, provided the person rendering assistance acted in accordance with the provisions of section 13-21-108.4.*

### **COLO. REV. STAT. § 18-9-202. Cruelty to animals--aggravated cruelty to animals--neglect of animals—offenses.**

(1)

- (a) A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overdrives, overloads, overworks, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, *carries or confines in or upon any vehicles in a cruel or reckless manner*, engages in a sexual act with an animal, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather consistent with the species, breed, and type of animal involved, or abandons an animal.
- (b) Any person who intentionally abandons a dog or cat commits the offense of cruelty to animals.

(1.5)

- (a) A person commits cruelty to animals if he or she recklessly or with criminal negligence tortures, needlessly mutilates, or needlessly kills an animal.
- (b) A person commits aggravated cruelty to animals if he or she knowingly tortures, needlessly mutilates, or needlessly kills an animal.

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- (c) A person commits cruelty to a service animal or a certified police working dog or 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 police working horse, as those terms are defined in sections 18-9-201 (2.3), (2.4) and (4.7), whether the service animal, certified police working dog, or working horse is on duty or not on duty.
- (1.8) A peace officer having authority to act under this section may take possession of and impound an animal that the peace officer has probable cause to believe is a victim of a violation of subsection (1) or (1.5) of this section or is a victim of a violation of section 18-9-204 and as a result of the violation is endangered if it remains with the owner or custodian. If, in the opinion of a licensed veterinarian, an animal impounded pursuant to this subsection (1.8) is experiencing extreme pain or suffering, or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.
- (2)
  - (a) Except as otherwise provided in subsection (2)(b) of this section, cruelty to animals, or cruelty to a service animal, certified police working dog, or police working horse pursuant to subsection (1.5)(c) of this section, is a class 1 misdemeanor.
    - (a.5)
      - (I) Repealed by Laws 2000, Ch. 282, § 2, eff. July 1, 2005.
      - (II) In addition to any other sentence imposed for a violation of this section, the court may order an offender to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.
      - (III) The court shall order an evaluation to be conducted prior to sentencing to assist the court in determining an appropriate sentence. If the violation is a felony offense in violation of subsection (1.5) of this section, a felony offense in violation of subsection (2)(b)(II) of this section, or any other violation of this section demonstrating knowing torture or torment of an animal that needlessly injured, mutilated, or killed the animal, the court shall require a comprehensive evaluation to help determine the causative factors. The person ordered to undergo an evaluation shall be required to pay the cost of the evaluation, unless the person qualifies for a public defender, then the cost will be paid by the judicial district. If the evaluation results in a recommendation of treatment and if the court so finds, the person must be ordered to complete, as a condition of any sentence to probation or a deferred judgement or sentence, an anger management treatment program, a mental health treatment program, or any other appropriate

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- treatment program designed to address the underlying causative factors for the violation.
- (IV) Upon successful completion of an anger management treatment program, a mental health treatment program, or any other appropriate treatment program, the court may suspend any fine imposed, except for a five hundred dollar mandatory minimum fine which shall be imposed at the time of sentencing.
  - (V) In addition to any other sentence imposed upon a person for a violation of any criminal law under 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 certified police working dog or police working horse pursuant to subsection (1.5)(c) of this section 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.
  - (V.5) In addition to any other sentence imposed for a felony conviction pursuant to this section, the court shall enter an order prohibiting the defendant from owning, possessing, or caring for a pet animal as defined in section 35-80-102(10) as a condition of the sentence for a period of three to five years, unless the defendant's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.
  - (VI) Nothing in this paragraph (a.5) shall preclude the court from ordering treatment in any appropriate case.
  - (VII) This subsection (2)(a.5) does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted agricultural animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, the treatment of animals involved in research if the research facility is operating under rules set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, wildlife nuisances, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.
- (b)
- (I) A second or subsequent conviction under the provisions of paragraph (a) of subsection (1) of this section is a class 6 felony. A plea of nolo contendere accepted by the court shall be considered a

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- conviction for the purposes of this section.
- (II) In any case where the court sentences a person convicted of a class 6 felony under the provisions of this paragraph (b) to probation, the court shall, in addition to any other condition of probation imposed, order that:
    - (A) The offender, pursuant to section 18-1.3-202(1), be committed to the county jail for ninety days; or
    - (B) The offender, pursuant to section 18-1.3-105(3), be subject to home detention for no fewer than ninety days.
  - (III) In any case where an offender is committed to the county jail or placed in home detention pursuant to subparagraph (II) of this paragraph (b), the court shall enter judgment against the offender for all costs assessed pursuant to section 18-1.3-701, including, but not limited to, the cost of care.
- (c) Aggravated cruelty to animals is a class 6 felony; except that a second or subsequent conviction for the offense of aggravated cruelty to animals is a class 5 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for purposes of this section.
- (d)
- (I) If a person is convicted of cruelty to a service animal pursuant to paragraph (c) of subsection (1.5) of this section, the court shall order him or her to make restitution to the agency or individual owning the service animal for any veterinary bills and replacement costs of the service animal if it is disabled or killed as a result of the cruelty to animals incident.
  - (II) If a person is convicted of cruelty to a certified police working dog or 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 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 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 police working horse for all training and certification costs related to the certified police working dog or police working horse.
- (2.5) It shall be an affirmative defense to a charge brought under this section involving injury or death to a dog that the dog was found running, worrying, or injuring sheep, cattle, or

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other livestock.

- (3) Nothing in this part 2 modifies in any manner the authority of the parks and wildlife commission, as established in title 33, C.R.S., or prohibits any conduct authorized or permitted under title 33, C.R.S.
- (4) The short title of this section is “Punky’s Law.”

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**ANIMAL PROTECTION LAWS OF COLORADO**

**18. CIVIL NUISANCE ABATEMENT**

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**ANIMAL PROTECTION LAWS OF COLORADO**

**19. AG-GAG LAWS**

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## ANIMAL PROTECTION LAWS OF COLORADO

### 20. BREED SPECIFIC LEGISLATION

#### Colo. Rev. Stat. § 18-9-204.5. Unlawful ownership of dangerous dog - legislative declaration – definitions.

- (1) The general assembly hereby finds, determines, and declares that:
  - (a) Dangerous dogs are a serious and widespread threat to the safety and welfare of citizens throughout the state because of the number and serious nature of attacks by such dogs; and
  - (b) The regulation and control of dangerous dogs is a matter of statewide concern.
- (2) As used in this section, unless the context otherwise requires:
  - (a) “Bodily injury” means any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.
  - (a.5) “Bureau” means the bureau of animal protection in the department of agriculture, division of animal industry, created pursuant to section 35-42-105, C.R.S.
  - (b) “Dangerous dog” means any dog that:
    - (I) Inflicts bodily or serious bodily injury upon or causes the death of a person or domestic animal; or
    - (II) Demonstrates tendencies that would cause a reasonable person to believe that the dog may inflict bodily or serious bodily injury upon or cause the death of any person or domestic animal; or
    - (III) Engages in or is trained for animal fighting as described and prohibited in section 18-9-204.
  - (c) “Dog” means any domesticated animal related to the fox, wolf, coyote, or jackal.
  - (d) “Domestic animal” means any dog, cat, any animal kept as a household pet, or livestock.
  - (e) “Owner” or “owns” means any person, firm, corporation, or organization owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of a domestic animal, as the term is defined in paragraph (d) of this subsection (2), including a dangerous dog as the term is defined in paragraph (b) of this subsection (2).
  - (f) “Serious bodily injury” has the same meaning as such term is defined in section 18-1-901 (3) (p).
- (3)
  - (a) A person commits ownership of a dangerous dog if such person owns, possesses, harbors, keeps, has a financial or property interest in, or has custody or control over a dangerous dog.
  - (b) Any owner who violates paragraph (a) of this subsection (3) whose dog inflicts bodily injury upon any person commits a class 3 misdemeanor. Any owner involved in a second or subsequent violation under this paragraph (b) commits a class 2 misdemeanor.

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- (c) Any owner who violates paragraph (a) of this subsection (3) whose dog inflicts serious bodily injury to a person commits a class 1 misdemeanor. Any owner involved in a second or subsequent violation under this paragraph (c) commits a class 6 felony.
- (d) Any owner who violates paragraph (a) of this subsection (3) whose dog causes the death of a person commits a class 5 felony.
- (e)
  - (I) Any owner who violates paragraph (a) of this subsection (3) whose dog injures or causes the death of any domestic animal commits a class 3 misdemeanor.
  - (II) Any owner of a dog that is involved in a second or subsequent violation under this paragraph (e) commits a class 2 misdemeanor. The minimum fine specified in section 18-1.3-501 for a class 2 misdemeanor shall be mandatory.
  - (III)
    - (A) The court shall order the convicted owner and any owner who enters into a deferred judgment or deferred prosecution to make restitution to the injured or dead domestic animal's owner pursuant to applicable provisions of title 16, C.R.S., governing restitution.
    - (B) Restitution shall be equal to the greater of the fair market value or the replacement cost of the domestic animal on the date, but before the time, the animal was injured or destroyed plus any reasonable and necessary medical expenses incurred in treating the animal and any actual costs incurred in replacing the injured or destroyed animal.
    - (B.5) An owner who violates paragraph (a) of this subsection (3) and whose dog damages or destroys the property of another person commits a class 1 petty offense.
    - (C) Any owner whose dog damages or destroys property shall make restitution to the owner of such property in an amount equal to the greater of the fair market value or the replacement cost of such property before its destruction plus any actual costs incurred in replacing such property.
- (e.5) The court shall order any owner of a dangerous dog who has been convicted of a violation of this section to:
  - (I) Confine the dangerous dog in a building or enclosure designed to be escape-proof and, whenever the dog is outside of the building or enclosure, keep the dog under the owner's control by use of a leash. The owner shall post a conspicuous warning sign on the building or enclosure notifying others that a dangerous dog is housed in the building or enclosure. In addition, if the conviction is for a second or subsequent offense, the dangerous dog shall also be

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- muzzled whenever it is outside of the building or enclosure.
- (II) Immediately report to the bureau in writing any material change in the dangerous dog's situation, including but not limited to a change, transfer, or termination of ownership, change of address, escape, or death;
  - (III) At the owner's expense, permanently identify the dangerous dog through the implantation of a microchip by a licensed veterinarian or a licensed shelter. A veterinarian or licensed shelter that implants a microchip in a dangerous dog shall report the microchipping information to the bureau within ten days after implantation of the microchip, pursuant to section 35-42-115 (2), C.R.S.
  - (IV) Prior to the implantation of the microchip, pay a nonrefundable dangerous dog microchip license fee of fifty dollars to the bureau;
  - (V) Prior to the dangerous dog receiving any service or treatment, disclose in writing to any provider of the service or treatment, including but not limited to a veterinary health care worker, dog groomer, humane agency staff person, pet animal care facility staff person, professional dog handler, or dog trainer, each acting in the performance of his or her respective duties, that the dangerous dog has been the subject of a conviction of a violation of this section;
  - (VI) Prior to a change, transfer, or termination of ownership of a dangerous dog, disclose in writing to the prospective owner that the dangerous dog has been the subject of a conviction of a violation of this section.
- (g) In addition to any other penalty set forth in this subsection (3), upon an owner's entry of a guilty plea or the return of a verdict of guilty by a judge or jury or a deferred judgment or deferred prosecution for a violation that results in bodily injury, serious bodily injury, or death to a person, the court, pursuant to applicable provisions of title 16, C.R.S., governing restitution, shall order the defendant to make restitution in accordance with said provisions.
- (h)
- (I) In addition to the penalties set forth in paragraphs (b) to (e) of this subsection (3), upon an owner's entry of a guilty plea or the return of a verdict of guilty by a judge or jury or a deferred judgment or deferred prosecution for a violation that results in serious bodily injury to a person or death to a person or domestic animal or for a second or subsequent violation of paragraph (b) or (e) of this subsection (3) resulting in a conviction or a deferred judgment or a deferred prosecution involving the same dog of the same owner, the court shall order that the dangerous dog be immediately confiscated and placed in a public animal shelter and shall order that, upon exhaustion of any right an owner has to appeal a conviction based on a violation of this subsection (3), the owner's

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- dangerous dog be destroyed by euthanasia administered by a licensed veterinarian.
- (II) In addition to any penalty set forth in paragraphs (b) to (e) of this subsection (3), for a second or subsequent violation of paragraph (b) or (e) of this subsection (3) resulting in a conviction or a deferred judgment or a deferred prosecution involving the same dog of a different owner, the court may order that the dangerous dog be immediately confiscated and placed in a public animal shelter and that, upon exhaustion of any right an owner has to appeal a conviction based on a violation of this subsection (3), the owner's dangerous dog be destroyed by euthanasia administered by a licensed veterinarian.
- (i)
- (I) An affirmative defense to the violation of this subsection (3) shall be:
- (A) That, at the time of the attack by the dangerous dog which causes injury to or the death of a domestic animal, the domestic animal was at large, was an stray, and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property;
- (B) That, at the time of the attack by the dangerous dog which causes injury to or the death of a domestic animal, said animal was biting or otherwise attacking the dangerous dog or its owner;
- (C) That, at the time of the attack by the dangerous dog which causes injury to or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against the dog's owner, and the attack did not occur on the owner's property;
- (D) That, at the time of the attack by the dangerous dog which causes injury to or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against a person on the owner's property or the property itself and the attack began, but did not necessarily end, upon such property; or
- (E) That the person who was the victim of the attack by the dangerous dog tormented, provoked, abused, or inflicted injury upon the dog in such an extreme manner which resulted in the attack.
- (II) The affirmative defenses set forth in subparagraph (I) of this paragraph (h) shall not apply to any dog that has engaged in or been trained for animal fighting as said term is described in section 18-9-204.
- (4) Upon taking an owner into custody for an alleged violation of this section or the issuing

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of a summons and complaint to the owner, pursuant to the Colorado rules of criminal procedure and part 1 of article 4 of title 16, C.R.S., the owner's dangerous dog may be taken into custody and placed in a public animal shelter, at the owner's expense, pending final disposition of the charge against the owner. In addition, in the event the court, pursuant to the Colorado rules of criminal procedure and part 1 of article 4 of title 16, C.R.S., sets bail for an owner's release from custody pending final disposition, the court may require, as a condition of bond, that the owner's dangerous dog be placed by an impound agency, as defined in section 18-9-202.5 (5), at the owner's expense in a location selected by the impound agency including a public animal shelter, licensed boarding facility, or veterinarian's clinic, pending final disposition of the alleged violation of this section. The owner is liable for the total cost of board and care for a dog placed pursuant to this subsection (4).

(5)

- (a) *Nothing in this section shall be construed to prohibit a municipality from adopting any rule or law for the control of dangerous dogs; except that any such rule or law shall not regulate dangerous dogs in a manner that is specific to breed.*
- (b) Nothing in this section shall be construed to abrogate a county's authority under part 1 of article 15 of title 30, C.R.S., to adopt dog control and licensing resolutions and to impose the penalties set forth in section 30-15-102, C.R.S.; except that any such resolution shall not regulate dangerous dogs in a manner that is specific to breed.
- (c) No municipality or county may destroy or dispose of a dog that is awaiting destruction or disposition as of April 21, 2004, in connection with a violation or charged violation of a municipal or county ban on one or more specific dog breeds.

(6) The provisions of this section shall not apply to the following:

- (a) To any dog that is used by a peace officer while the officer is engaged in the performance of peace officer duties;
- (b) To any dog that inflicts bodily or serious bodily injury to any veterinary health care worker, dog groomer, humane agency personnel, professional dog handler, or trainer each acting in the performance of his or her respective duties, unless the owner is subject to a court order issued pursuant to paragraph (e.5) of subsection (3) of this section and the owner has failed to comply with the provisions of subparagraph (V) of paragraph (e.5) of subsection (3) of this section; or
- (c) To any dog that inflicts injury upon or causes the death of a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of the dog's owner and the injury or death was to a domestic animal naturally associated with the work of such dog.