



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Fiscal Note

---

<b>Drafting Number:</b>	LLS 24-0213	<b>Date:</b>	January 15, 2024
<b>Prime Sponsors:</b>	Rep. Armagost; Duran	<b>Bill Status:</b>	House Judiciary
		<b>Fiscal Analyst:</b>	Aaron Carpenter   303-866-4918 aaron.carpenter@coleg.gov

---

**Bill Topic:** **AGGRAVATED CRUELTY TO LAW ENFORCEMENT ANIMALS**

---

<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill modifies the class 4 felony offense of aggravated cruelty to animals to include knowingly or recklessly killing or harming a law enforcement animal. Starting in FY 2024-25, the bill will minimally increase state revenue and state and local expenditures.

---

**Appropriation Summary:** No appropriation is required.

---

**Fiscal Note Status:** The fiscal note reflects the introduced bill.

---

## Summary of Legislation

Under current law, a person who commits cruelty to a service animal or a certified police working dog or horse commits a class 1 misdemeanor. It is also a class 1 misdemeanor under current law if a person recklessly or with criminal negligence tortures, needlessly mutilates, or needlessly kills an animal. If a person knowingly tortures, needlessly mutilates, or needlessly kills an animal, they commit the class 4 felony of aggravated cruelty to animals.

This bill makes it a class 4 felony if a person knowingly or recklessly kills or causes serious physical harm resulting in the death or serious physical harm of a law enforcement animal, whether the animal is on duty or not.

## Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

**Prior conviction data.** This bill creates a new factual basis for the existing offense of aggravated cruelty to animals by adding knowingly or recklessly killing or causing serious injury to a law enforcement animal. From FY 2020-21 to FY 2022-23, 61 individuals have been convicted and sentenced for this offense. Of the persons convicted, 53 were male and 8 were female. Demographically, 50 were White, 6 were Black/African American, 3 were Hispanic, and 2 were classified as "Other".

**Assumptions.** In addition to aggravated cruelty of animals, the fiscal note analyzed the number of sentences for cruelty to a service or police animal. In the last three years, 7 individuals have been sentenced for this crime out of the 362 individuals sentenced for the misdemeanor of cruelty to animals. Because cruelty to a service animal or police dog represents about 2 percent of all animal cruelty sentences, the fiscal note assumes that there will be minimal additional convictions for the new offense under the bill. Visit [leg.colorado.gov/fiscalnotes](https://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

## Local Government

Similar to the state, it is expected that any workload or cost decreases for district attorneys to prosecute fewer offenses, or for county jails to imprison fewer individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

## Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State and Local Government Contacts

Corrections

District Attorneys

Judicial

---

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](https://leg.colorado.gov).