



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated January 15, 2024)

Table with 2 columns: Field (Drafting Number, Prime Sponsors, Date, Bill Status, Fiscal Analyst) and Value (LLS 24-0213, Rep. Armagost; Duran, Sen. Ginal; Gardner, March 12, 2024, Senate Judiciary, Aaron Carpenter | 303-866-4918, aaron.carpenter@coleg.gov)

Bill Topic: AGGRAVATED CRUELTY TO LAW ENFORCEMENT ANIMALS

Table with 2 columns: Field (Summary of Fiscal Impact) and Value (checkboxes for State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, 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: This revised fiscal note reflects the reengrossed 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 kills or causes serious bodily injury resulting in the death of a law enforcement animal—defined as a certified working dog or a police working horse—whether the animal is on duty or not. . It also provides an affirmative defense in such cases if a person uses physical force to defend themselves or a third person from excessive force by a law enforcement animal.

The bill provides immunity for persons who own or take care of the animal and licensed veterinarians providing treatment or euthanasia. The bill also adds handlers of law enforcement animals to the excessive force reporting and intervention requirements.

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. The bill creates two new offenses, for which comparable crime information is provided below.

- **Aggravated cruelty to animals.** This bill creates a new factual basis for the existing offense of aggravated cruelty to animals by adding knowingly killing or causing serious bodily 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".
- **Failure to report or intervene in excessive force.** This bill creates a new factual basis for the existing offense of failure to report or intervene in excessive force by adding law enforcement animal handlers. From FY 2020-21 to FY 2022-23, 2 individuals have been convicted and sentenced for this offense. Of the persons convicted, both were White females.

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, and due to the low number of sentences for failure to report or intervene in excessive force, the fiscal note assumes that there will be minimal additional convictions for the offenses in the bill. Visit 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

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](#).