

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0612.01 Michael Dohr x4347

**HOUSE BILL 19-1092**

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**HOUSE SPONSORSHIP**

**Valdez A.**, Caraveo, Duran, Galindo, Mullica, Singer, Sullivan

**SENATE SPONSORSHIP**

**Ginal,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING A PROHIBITION ON FUTURE OWNERSHIP OF AN ANIMAL**  
102 **FOR PERSONS CONVICTED OF ANIMAL CRUELTY.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires a court to enter an order prohibiting a person convicted of misdemeanor animal cruelty from owning an animal of any kind for 5 years, a person convicted of felony animal cruelty from owning an animal of any kind for 10 years, and a juvenile adjudicated a delinquent for an animal cruelty crime from owning an animal of any kind for 5 years.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

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

2           **SECTION 1.** In Colorado Revised Statutes, 18-9-202, **amend**  
3 (2)(a.5)(II), (2)(a.5)(III), (2)(a.5)(IV), and (2)(a.5)(V); and **add**  
4 (2)(a.5)(V.5) as follows:

5           **18-9-202. Cruelty to animals - aggravated cruelty to animals**  
6 **- service animals.** (2) (a.5) (II) In addition to any other sentence imposed  
7 for a violation of this section, the court may order an offender to complete  
8 an anger management treatment program, A MENTAL HEALTH TREATMENT  
9 PROGRAM, or any other appropriate treatment program.

10           (III) The court shall order an evaluation to be conducted prior to  
11 sentencing to assist the court in determining an appropriate sentence. The  
12 person ordered to undergo an evaluation shall be required to pay the cost  
13 of the evaluation, unless the person qualifies for a public defender, then  
14 the cost ~~will be~~ IS paid by the judicial district. If the evaluation results in  
15 a recommendation of treatment and if the court so finds, the person ~~shall~~  
16 MUST be ordered to complete an anger management treatment program,  
17 A MENTAL HEALTH TREATMENT PROGRAM, or any other treatment program  
18 that the court may deem appropriate.

19           (IV) Upon successful completion of an anger management  
20 treatment program, A MENTAL HEALTH TREATMENT PROGRAM, or any  
21 other treatment program deemed appropriate by the court, the court may  
22 suspend any fine imposed, except for a five hundred dollar mandatory  
23 minimum fine ~~which shall~~ THAT MUST be imposed at the time of  
24 sentencing.

25           (V) In addition to any other sentence imposed upon a person for  
26 a violation of any criminal law under this title 18, any person convicted

1 of a second or subsequent conviction for any crime, the underlying factual  
2 basis of which has been found by the court to include an act of cruelty to  
3 animals, or cruelty to a service animal or a certified police working dog  
4 or certified police working horse pursuant to subsection (1.5)(c) of this  
5 section, is required to pay a mandatory minimum fine of one thousand  
6 dollars and is required to complete an anger management treatment  
7 program, A MENTAL HEALTH TREATMENT PROGRAM, or any other  
8 appropriate treatment program.

9 (V.5) (A) IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR A  
10 MISDEMEANOR CONVICTION PURSUANT TO THIS SECTION, THE COURT  
11 SHALL ENTER AN ORDER PROHIBITING THE DEFENDANT FROM OWNING,  
12 POSSESSING, CARING FOR, OR RESIDING WITH AN ANIMAL OF ANY KIND FOR  
13 A PERIOD OF FIVE YEARS FOLLOWING ENTRY OF THE CONVICTION. IN  
14 ADDITION TO ANY OTHER SENTENCE IMPOSED FOR A FELONY CONVICTION  
15 PURSUANT TO THIS SECTION, THE COURT SHALL ENTER AN ORDER  
16 PROHIBITING THE DEFENDANT FROM OWNING, POSSESSING, CARING FOR, OR  
17 RESIDING WITH AN ANIMAL OF ANY KIND FOR A PERIOD OF TEN YEARS  
18 FOLLOWING ENTRY OF THE CONVICTION.

19 (B) A PERSON WHO OWNS, POSSESSES, CARES FOR, OR RESIDES  
20 WITH AN ANIMAL IN VIOLATION OF AN ORDER ENTERED PURSUANT TO  
21 SUBSECTION (2)(a.5)(V.5)(A) OF THIS SECTION COMMITS AN UNCLASSIFIED  
22 MISDEMEANOR, AND THE COURT SHALL IMPOSE A FINE OF FIVE THOUSAND  
23 DOLLARS FOR A FIRST VIOLATION AND A FINE OF TEN THOUSAND DOLLARS  
24 FOR A SECOND OR SUBSEQUENT VIOLATION.

25 **SECTION 2.** In Colorado Revised Statutes, 19-2-918.5, **amend**  
26 (1), (2), and (3); and **add** (3.5) as follows:

27 **19-2-918.5. Sentencing - animal cruelty - anger management**

1 **treatment.** (1) In addition to any sentence imposed pursuant to this  
2 section, any juvenile who has been adjudicated a juvenile delinquent for  
3 the commission of cruelty to animals, as described in section 18-9-202,  
4 ~~(1)(a), C.R.S.~~, in which the underlining factual basis of which has been  
5 found by the court to include the knowing or intentional torture or  
6 torment of an animal ~~which~~ THAT needlessly injures, mutilates, or kills an  
7 animal, may be ordered to complete an anger management treatment  
8 program, A MENTAL HEALTH TREATMENT PROGRAM, or any other  
9 treatment program deemed appropriate by the court.

10 (2) The court may order an evaluation to be conducted prior to  
11 disposition if an evaluation would assist the court in determining an  
12 appropriate disposition. The parents or legal guardian of the juvenile  
13 ordered to undergo an evaluation shall be required to pay the cost of the  
14 evaluation. If the evaluation results in a recommendation of treatment and  
15 if the court so finds, the juvenile ~~shall~~ MUST be ordered to complete an  
16 anger management treatment program, A MENTAL HEALTH TREATMENT  
17 PROGRAM, or any other treatment program deemed appropriate by the  
18 court.

19 (3) The disposition for any juvenile who has been adjudicated a  
20 juvenile delinquent a second or subsequent time, the underlying factual  
21 basis of which has been found by the court to include an act of cruelty to  
22 animals, as described in section 18-9-202, ~~(1)(a), C.R.S.~~, ~~shall~~ MUST  
23 include the completion of an anger management treatment program, A  
24 MENTAL HEALTH TREATMENT PROGRAM, or any other treatment program  
25 deemed appropriate by the court.

26 (3.5) (a) IN ADDITION TO ANY SENTENCE IMPOSED PURSUANT TO  
27 THIS SECTION FOR ANY JUVENILE WHO HAS BEEN ADJUDICATED A JUVENILE

1 DELINQUENT FOR THE COMMISSION OF CRUELTY TO ANIMALS, AS  
2 DESCRIBED IN SECTION 18-9-202, THE COURT SHALL ENTER AN ORDER  
3 PROHIBITING THE JUVENILE FROM OWNING, POSSESSING, CARING FOR, OR  
4 RESIDING WITH AN ANIMAL OF ANY KIND FOR A PERIOD OF FIVE YEARS  
5 FOLLOWING ENTRY OF ADJUDICATION.

6 (b) A JUVENILE WHO OWNS, POSSESSES, CARES FOR, OR RESIDES  
7 WITH AN ANIMAL IN VIOLATION OF AN ORDER ENTERED PURSUANT TO  
8 SUBSECTION (3.5)(a) OF THIS SECTION COMMITS AN UNCLASSIFIED  
9 MISDEMEANOR, AND THE COURT SHALL IMPOSE A FINE OF FIVE THOUSAND  
10 DOLLARS FOR A FIRST VIOLATION AND A FINE OF TEN THOUSAND DOLLARS  
11 FOR A SECOND OR SUBSEQUENT VIOLATION.

12 **SECTION 3. Act subject to petition - effective date -**  
13 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
14 the expiration of the ninety-day period after final adjournment of the  
15 general assembly (August 2, 2019, if adjournment sine die is on May 3,  
16 2019); except that, if a referendum petition is filed pursuant to section 1  
17 (3) of article V of the state constitution against this act or an item, section,  
18 or part of this act within such period, then the act, item, section, or part  
19 will not take effect unless approved by the people at the general election  
20 to be held in November 2020 and, in such case, will take effect on the  
21 date of the official declaration of the vote thereon by the governor.

22 (2) This act applies to offenses committed on or after the  
23 applicable effective date of this act.