

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0071.02 Kate Meyer

**HOUSE BILL 10-1124**

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**HOUSE SPONSORSHIP**

**McKinley,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Agriculture, Livestock, & Natural Resources  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING LAWS RELATED TO ANIMAL WELFARE.**

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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://www.leg.state.co.us/billsummaries>.)*

The bill makes various changes regarding animal welfare laws.

**Section 1** identifies a person engaged in animal control for a local governmental entity as a peace officer and specifies that the person's authority is limited to enforcement of ordinances and resolutions related to pet animal control.

**Section 2** allows conviction of an offense of cruelty to animals or any felony or crime of moral turpitude to be used as grounds for denial of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

employment in local animal control or as an animal protection agent in the bureau of animal protection (agent).

**Section 3:**

- ! Grants a court discretion to waive the bond requirement for indigent owners of impounded animals;
- ! Requires courts to hear matters related to animal impoundment on an expedited basis;
- ! Requires the bonds paid by an owner of an animal impounded in connection with a charge or investigation of an animal-related offense to be refunded, or the entire amount of the proceeds from sale of the animal to be forwarded, to the owner if the owner is not convicted of the charges; and
- ! Applies the Colorado rules of civil procedure to impoundment hearings, establishes a clear and convincing standard of proof for such proceedings, and prohibits testimony given by the owner or custodian of an impounded animal from being admitted in any subsequent criminal prosecution.

**Section 4** requires nongovernmental entities that contract with counties to enforce pet animal control regulations to make certain information available for public inspection.

**Section 5:**

- ! Limits the authority of animal control officers to enforcement of laws concerning pet animals;
- ! Requires persons engaged in animal control to undergo a criminal history record check prior to such engagement;
- ! Requires personnel engaged in pet animal control by local governments to carry picture identification and to produce the identification upon request by any interested person;
- ! Requires animal control officers engaged on and after January 1, 2011, to undergo, at a minimum, the same training as is required for an agent prior to being so engaged; and
- ! Declares the imposition of minimum standards for persons engaged in animal control to be a valid exercise of the state police power and a matter of statewide concern.

**Sections 6 and 11** relocate provisions describing the scope of the "Animal Protection Act" (act).

**Section 7:**

- ! Specifies the minimum qualifications and recommendations for, respectively, an agent enforcing the act or animal control officer;
- ! Requires the commissioner of the Colorado department of agriculture (commissioner) to revoke or refuse to renew the

- commission of any agent convicted of an offense of cruelty to animals or other felony or crime of moral turpitude;
- ! Increases from \$100,000 to \$1,000,000 the minimum amount of liability insurance that animal protection agents who are agents of nonprofit corporations are required to carry;
- ! Restricts the scope of authority of agents to enforcement of laws related to animal care, welfare, and protection; and
- ! Requires agents of the Colorado bureau of animal protection and personnel engaged in pet animal control by local governments to carry picture identification and to produce the identification upon request by any interested person.

**Section 8** requires an agent to undergo a criminal history record check before being commissioned to enforce the act, and prohibits the commissioner from appointing a person convicted of an offense of cruelty to animals after the commissioner's review of the person's criminal history record check.

**Section 9** repeals the requirement that the animal of an owner adjudged to be able to adequately provide for the animal and fit to care for the animal not be returned to the owner until the owner pays the costs of the food, shelter, and care of the animal during the pendency of the matter.

**Section 10** requires the commissioner to obtain a search warrant from a court of competent jurisdiction before conducting a search of private property for purposes of the act.

**Section 12** clarifies that the dangerous dog registry is open to public inspection.

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

2           **SECTION 1.** Article 2.5 of title 16, Colorado Revised Statutes,  
3 is amended BY THE ADDITION OF A NEW SECTION to read:

4           **16-2.5-149. Animal control officer.** AN ANIMAL CONTROL  
5 OFFICER OR OTHER PERSON ENGAGED IN ANIMAL CONTROL PURSUANT TO  
6 ARTICLE 15 OF TITLE 30, C.R.S., IS A PEACE OFFICER WHILE ENGAGED IN  
7 THE PERFORMANCE OF HIS OR HER DUTIES; EXCEPT THAT THE PERSON'S  
8 AUTHORITY IS LIMITED PURSUANT TO SECTION 30-15-105 (1), C.R.S.  
9 **NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AUTHORITY**

1 OF AN EMPLOYEE OF THE DEPARTMENT OF AGRICULTURE TO ENFORCE  
2 TITLE 35, C.R.S., OR RULES ADOPTED UNDER TITLE 35, C.R.S.

3 **SECTION 2.** The introductory portion to 24-5-101 (1) (b) and  
4 24-5-101 (1) (b) (V) and (1) (b) (VI), Colorado Revised Statutes, are  
5 amended, and the said 24-5-101 (1) (b) is further amended BY THE  
6 ADDITION OF A NEW SUBPARAGRAPH, to read:

7 **24-5-101. Effect of criminal conviction on employment rights.**

8 (1) (b) This subsection (1) ~~shall~~ DOES not apply to:

9 (V) The employment of persons in public or private correctional  
10 facilities pursuant to ~~the provisions of~~ sections 17-1-109.5 and 17-1-202  
11 (1) (a) (I) and (1.5), C.R.S., and the employment of persons in public or  
12 private juvenile facilities pursuant to ~~the provisions of~~ sections  
13 19-2-403.3 and 19-2-410 (4), C.R.S.; and

14 (VI) The employment of persons by the public employees'  
15 retirement association created pursuant to section 24-51-201 who, upon  
16 the commencement of that employment, will have access to association  
17 investment information, association assets, or financial, demographic, or  
18 other information relating to association members or beneficiaries; AND

19 (VII) THE EMPLOYMENT OR ENGAGEMENT OF PERSONS IN ANIMAL  
20 CONTROL UNDER SECTION 30-15-105, C.R.S. [REDACTED]

21 **SECTION 3.** 18-9-202.5 (1) (a) and (1) (c) (I), Colorado Revised  
22 Statutes, are amended, and the said 18-9-202.5 is further amended BY  
23 THE ADDITION OF A NEW SUBSECTION, to read:

24 **18-9-202.5. Financial bonding requirements for costs of**  
25 **holding impounded animals - proceedings and proof.** (1) (a) The  
26 owner or custodian of an animal that has been impounded by an impound  
27 agency because of alleged neglect or abuse, or because of investigation

1 of charges of cruelty to animals pursuant to section 18-9-202; animal  
2 fighting pursuant to section 18-9-204; mistreatment, neglect, or  
3 abandonment under article 42 of title 35, C.R.S.; or unlawful ownership  
4 of a dangerous dog as described in section 18-9-204.5, may prevent  
5 disposition of the animal by an impound agency by posting a bond with  
6 the court in an amount sufficient to provide for the animal's care and  
7 provision at the impound agency for at least thirty days, including the day  
8 on which the animal was taken into custody. The owner or custodian of  
9 any impounded animal may request a hearing in a court of competent  
10 jurisdiction within ten days after impoundment to determine whether the  
11 costs associated with the bond are fair and reasonable for the care of and  
12 provision for the impounded animal. ~~Such~~ THE OWNER OR CUSTODIAN OF  
13 AN IMPOUNDED ANIMAL MAY ALSO, WITHIN TEN DAYS AFTER  
14 IMPOUNDMENT, PETITION A COURT OF COMPETENT JURISDICTION FOR A  
15 WAIVER OF THE BOND REQUIREMENT DUE TO THE INDIGENCY OF THE  
16 OWNER OR CUSTODIAN. THE COURT TO WHICH A REQUEST FOR A HEARING  
17 ON THE REASONABLENESS OF THE BOND OR PETITION FOR WAIVER OF THE  
18 BOND REQUIREMENT IS MADE SHALL HEAR THE MATTER ON AN EXPEDITED  
19 BASIS. THE bond shall be filed with the court within ten days after the  
20 animal is impounded OR, IF A BOND HEARING IS REQUESTED, WITHIN TEN  
21 DAYS AFTER THE BOND HEARING. At the end of the time for which  
22 expenses are covered by the bond, if the owner or custodian desires to  
23 prevent disposition of the animal, the owner or custodian shall post a new  
24 bond with the court within ten days after the prior bond's expiration.  
25 However, if, in the opinion of a licensed veterinarian, the animal is  
26 experiencing extreme pain or suffering or is severely injured past  
27 recovery, severely disabled past recovery, or severely diseased past

1 recovery, the animal may be euthanized without a court order. At the end  
2 of the time for which expenses are covered by the bond, the impound  
3 agency may determine disposition of the animal unless there is a court  
4 order prohibiting ~~such~~ THE disposition. The owner or custodian ~~shall be~~  
5 IS liable for the cost of the care of, provision for, or disposal of the animal  
6 ONLY IF THE OWNER OF THE ANIMAL IS CONVICTED OF CRUELTY TO  
7 ANIMALS UNDER SECTION 18-9-202, ANIMAL FIGHTING UNDER SECTION  
8 18-9-204, OR UNLAWFUL OWNERSHIP OF A DANGEROUS DOG UNDER  
9 SECTION 18-9-204.5 OR IS FOUND BY COURT ORDER TO HAVE MISTREATED,  
10 NEGLECTED, OR ABANDONED THE ANIMAL UNDER ARTICLE 42 OF TITLE 35,  
11 C.R.S. IF THE OWNER IS NOT CONVICTED OR IS NOT FOUND BY COURT  
12 ORDER TO HAVE MISTREATED, NEGLECTED, OR ABANDONED THE ANIMAL,  
13 THE OWNER IS ENTITLED TO RECOVER FROM THE IMPOUND AGENCY THE  
14 FULL AMOUNT OF ANY BONDS THAT THE OWNER POSTED FOR THE COSTS  
15 ASSOCIATED WITH IMPOUNDMENT OF THE OWNER'S ANIMAL.

16 (c) (I) With respect to the sale of an animal, the proceeds shall  
17 first be applied to the costs of the sale and then to the expenses for the  
18 care of and provision for the animal, including expenses incurred by the  
19 impound agency. If the owner of the animal is convicted of cruelty to  
20 animals under section 18-9-202, animal fighting under section 18-9-204,  
21 or unlawful ownership of a dangerous dog under section 18-9-204.5 or is  
22 found by court order to have mistreated, neglected, or abandoned the  
23 animal under article 42 of title 35, C.R.S., the remaining proceeds, if any,  
24 shall be paid to the impound agency. If the owner of the animal is not  
25 convicted of such charges or is not found by court order to have ~~so~~  
26 mistreated, neglected, or abandoned the animal, the ~~remaining~~ ENTIRE  
27 proceeds ~~if any~~ FROM THE SALE OF THE ANIMAL shall be paid over to the

1 owner of the animal.

2 (3) IMPOUNDMENT HEARINGS UNDER THIS SECTION SHALL BE  
3 CONDUCTED IN CONFORMITY WITH THE COLORADO RULES OF CIVIL  
4 PROCEDURE, THE COLORADO RULES OF EVIDENCE, AND THE PRACTICE IN  
5 THIS STATE IN THE TRIAL OF CIVIL CASES; EXCEPT THAT, UNLESS THE  
6 ANIMAL IS EUTHANIZED WITHOUT A COURT ORDER PURSUANT TO THE  
7 OPINION OF A LICENSED VETERINARIAN UNDER PARAGRAPH (a) OF  
8 SUBSECTION (1) OF THIS SECTION, PROOF OF MISTREATMENT,  
9 ABANDONMENT, OR NEGLIGENCE BY CLEAR AND CONVINCING EVIDENCE IS  
10 REQUIRED FOR ANY COURT ORDER OF DISPOSITION OTHER THAN TO  
11 RETURN THE ANIMAL TO THE OWNER OR CUSTODIAN. THE DISTRICT  
12 ATTORNEY'S OFFICE SHALL BE PROVIDED NOTICE OF SUCH HEARING AND BE  
13 PERMITTED TO PRESENT EVIDENCE AT THE HEARING. THE EVIDENCE MAY  
14 BE IN THE FORM OF OFFER OF PROOF OR TESTIMONY. THE COURT SHALL  
15 MAKE FINDINGS OF THE REASONABLENESS OR UNREASONABLENESS OF THE  
16 BOND AND WHETHER THERE WAS PROBABLE CAUSE FOR THE  
17 IMPOUNDMENT ON THE RECORD. THE COURT SHALL CONSIDER THE  
18 FOLLOWING FACTORS WHEN DETERMINING THE REASONABLENESS OF THE  
19 BOND:

20 (a) THE ACTUAL COST TO THE AGENCY PROVIDING CARE FOR THE  
21 ANIMAL AND THE BASIS FOR THE COST;

22 (b) THE NECESSITY FOR ANY MEDICAL TREATMENT PROVIDED TO  
23 THE ANIMAL;

24 (c) THE NECESSITY FOR ANY SPECIALIZED SHELTER OR DIET FOR  
25 THE ANIMAL;

26 (d) WHETHER THE AGENCY PROVIDING THE CARE FOR THE ANIMAL  
27 CAN MITIGATE THE COSTS; AND

1 (e) ANY OTHER FACTOR THAT THE COURT DETERMINES IS  
2 RELEVANT TO THE ISSUES.

3 **SECTION 4.** 18-9-204.5 (5), Colorado Revised Statutes, is  
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **18-9-204.5. Unlawful ownership of dangerous dog - legislative**  
6 **declaration.** (5) (d) (I) (A) THE GENERAL ASSEMBLY HEREBY FINDS,  
7 DETERMINES, AND DECLARES THAT THE FAIR AND CONSISTENT TREATMENT  
8 OF INDIVIDUALS WITH DISABILITIES IS A MATTER OF STATEWIDE CONCERN,  
9 AND THAT BREED-SPECIFIC REGULATIONS UNDULY BURDEN AND  
10 DISPROPORTIONATELY IMPACT INDIVIDUALS WITH DISABILITIES WHO OWN  
11 AND RELY ON DOGS OF PROHIBITED BREEDS AS SERVICE ANIMALS.  
12 FURTHERMORE, IT IS UNREASONABLE AND ONEROUS TO REQUIRE A PERSON  
13 WITH A DISABILITY TO RELOCATE OR ACQUIRE A NEW SERVICE ANIMAL  
14 SIMPLY TO COMPLY WITH BREED-SPECIFIC REGULATIONS, PARTICULARLY  
15 IN LIGHT OF THE RIGOROUS BEHAVIORAL TRAINING THAT SUCH ANIMALS  
16 UNDERGO.

17 (B) THEREFORE, NOTWITHSTANDING ANY PROVISION OF LAW TO  
18 THE CONTRARY, NO GOVERNMENTAL ENTITY, INCLUDING A HOME RULE  
19 ENTITY, SHALL EXCLUDE A DOG FROM ITS BOUNDARIES, FOR ANY AMOUNT  
20 OF TIME, SOLELY ON THE BASIS OF THE DOG'S BREED, IF THE DOG IS A  
21 TRAINED SERVICE ANIMAL SERVING AN INDIVIDUAL WITH A DISABILITY.

22 (II) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d)  
23 PROHIBITS A GOVERNMENTAL ENTITY FROM ENACTING REGULATIONS TO  
24 IDENTIFY OR LICENSE THOSE DOGS THAT ARE EXEMPT FROM  
25 BREED-SPECIFIC REGULATIONS.

26 **SECTION 5.** 30-15-103, Colorado Revised Statutes, is amended  
27 to read:

1           **30-15-103. Disposition of fines and forfeitures - information**  
2 **open to public inspection.** (1) All fines and forfeitures for the violation  
3 of county resolutions adopted pursuant to this part 1 and all moneys  
4 collected by the county for licenses or otherwise shall be paid into the  
5 treasury of the county at such times and in such manner as may be  
6 prescribed by resolution; or, if there is no resolution providing for the  
7 payment, it shall be paid to the county treasurer at once.

8           (2) [REDACTED] EVERY NONGOVERNMENTAL ENTITY THAT CONTRACTS  
9 WITH OR IS OTHERWISE ENGAGED BY A COUNTY TO ENFORCE REGULATIONS  
10 CONCERNING THE CONTROL OF PET ANIMALS IS SUBJECT TO THE  
11 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24,  
12 C.R.S., FOR PURPOSES OF ALL RECORDS THAT REFLECT OR PERTAIN TO THE  
13 CONTRACT OR THE ENGAGEMENT OR THE PERFORMANCE OF THE  
14 CONTRACT. SUCH ENTITY SHALL MAKE THE FOLLOWING INFORMATION  
15 AVAILABLE FOR INSPECTION BY THE PUBLIC AT ANY TIME DURING  
16 REGULAR BUSINESS HOURS:

17           (a) THE NUMBER OF PET ANIMALS IMPOUNDED, IF THE ENTITY  
18 ACTS AS OR OPERATES AN ANIMAL HOLDING FACILITY;

19           (b) THE COST OF PROVIDING SHELTER, FOOD, AND CARE TO  
20 IMPOUNDED PET ANIMALS, BY TYPE OF PET ANIMAL AND PER ANIMAL;

21           (c) THE DISPOSITION OF IMPOUNDED PET ANIMALS, AND, IF SOLD,  
22 THE AMOUNTS FOR WHICH IMPOUNDED ANIMALS ARE SOLD.

23 [REDACTED]  
24           **SECTION 6.** 30-15-105, Colorado Revised Statutes, is amended  
25 to read:

26           **30-15-105. Animal control officers - peace officer designation**  
27 **- identification required - criminal history record check - legislative**

1 **declaration.** (1) Personnel engaged in animal control, however titled or  
2 administratively assigned, may issue citations or summonses and  
3 complaints enforcing the county dog control resolution or any other  
4 county resolution concerning the control of pet animals or municipal  
5 ordinance CONCERNING THE CONTROL OF PET ANIMALS without regard to  
6 the certification requirements of part 3 of article 31 of title 24, C.R.S.  
7 Personnel ~~so~~ engaged IN ANIMAL CONTROL shall be included within the  
8 definition of "peace officer or firefighter engaged in the performance of  
9 his or her duties" in section 18-3-201 (2), C.R.S. Nothing in this part 1  
10 ~~is intended to vest~~ VESTS authority in any person ~~so~~ engaged IN ANIMAL  
11 CONTROL to enforce any resolution, ordinance, or statute other than the  
12 county dog control resolution or any other county resolution concerning  
13 the control of pet animals or municipal ordinance CONCERNING THE  
14 CONTROL OF PET ANIMALS. NOTHING IN THIS PART 1 SHALL BE CONSTRUED  
15 TO LIMIT THE AUTHORITY OF AN EMPLOYEE OF THE DEPARTMENT OF  
16 AGRICULTURE TO ENFORCE TITLE 35, C.R.S., OR RULES ADOPTED UNDER  
17 TITLE 35, C.R.S.

18 (2) A PERSON ENGAGED IN ANIMAL CONTROL UNDER THIS ARTICLE  
19 SHALL CARRY PICTURE IDENTIFICATION ISSUED BY THE GOVERNMENTAL  
20 ENTITY ENGAGING HIM OR HER AND SHALL PRODUCE THE IDENTIFICATION  
21 FOR INSPECTION ON REQUEST BY ANY INTERESTED PERSON.

22 (3) (a) (I) ON AND AFTER JANUARY 1, 2011, EACH PERSON WHOM  
23 A COUNTY SEEKS TO ENGAGE IN ANIMAL CONTROL SHALL SUBMIT A  
24 COMPLETE SET OF HIS OR HER FINGERPRINTS TO A LOCAL LAW  
25 ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING A  
26 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE PERSON IS  
27 REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER

1 FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD  
2 CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE  
3 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS  
4 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF  
5 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL  
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING  
7 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE  
8 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS  
9 OF THE CRIMINAL HISTORY RECORD CHECK TO THE COUNTY.

10 (II) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE  
11 CONTRARY, IF THE COUNTY DETERMINES, AFTER THE CRIMINAL HISTORY  
12 RECORD CHECK REQUIRED BY THIS SECTION, THAT THE POTENTIAL  
13 APPOINTEE WAS CONVICTED OF OR PLEAD GUILTY OR NOLO CONTENDERE  
14 TO A CHARGE OF CRUELTY TO ANIMALS AS DESCRIBED IN SECTION  
15 18-9-202, C.R.S., OR ANY OTHER FELONY OR A CRIME OF MORAL  
16 TURPITUDE, THE COUNTY SHALL NOT APPOINT OR RENEW THE  
17 APPOINTMENT OF THE PERSON.

18 (b) ON OR AFTER JANUARY 1, 2011, A COUNTY SHALL NOT ENGAGE  
19 A PERSON IN ANIMAL CONTROL UNDER THIS ARTICLE UNLESS THE PERSON  
20 HAS COMPLETED TRAINING THAT, AT A MINIMUM, MEETS THE SAME  
21 STANDARDS AND REQUIREMENTS AS APPLY TO THE TRAINING OF ANIMAL  
22 PROTECTION AGENTS IN THE BUREAU OF ANIMAL PROTECTION UNDER  
23 ARTICLE 42 OF TITLE 35, C.R.S., BEFORE BEING SO ENGAGED.

24 (4) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT  
25 IMPOSING UNIFORM STANDARDS FOR PERSONS ENGAGED IN ANIMAL  
26 CONTROL IS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND  
27 WELFARE AND IS THUS A VALID EXERCISE OF THE STATE POLICE POWER.

1 FURTHER, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT REQUIRING  
2 PERSONS ENGAGED IN ANIMAL CONTROL TO UNDERGO A MINIMUM LEVEL  
3 OF TRAINING IS A MATTER OF STATEWIDE CONCERN.

4 **SECTION 7.** 35-42-104, Colorado Revised Statutes, is amended  
5 BY THE ADDITION OF A NEW SUBSECTION to read:

6 **35-42-104. Scope of article.** (5) NOTHING IN THIS ARTICLE  
7 INTERFERES WITH THE AUTHORITY OF THE DEPARTMENT OF PUBLIC  
8 HEALTH AND ENVIRONMENT TO ENFORCE PART 7 OF ARTICLE 4 OF TITLE 25,  
9 C.R.S., OR THE DEPARTMENT TO ENFORCE ARTICLE 80 OF THIS TITLE.

10 **SECTION 8.** 35-42-107 (1), (3), (4), and (5), Colorado Revised  
11 Statutes, are amended to read:

12 **35-42-107. Bureau personnel - appointment.** (1) Subject to the  
13 provisions of section 13 of article XII of the state constitution AND  
14 SECTION 35-42-107.5, the commissioner shall appoint ~~such~~ animal  
15 protection agents as ~~are~~ necessary to carry out the provisions of this  
16 article.

17 (3) When agents who are employees of nonprofit corporations are  
18 appointed, the corporation shall furnish evidence of minimum liability  
19 insurance covering said agent in the amount of ~~one~~ TWO hundred  
20 thousand dollars. The state shall not be liable for the actions of  
21 such agents. Agents of the bureau shall submit to training as specified by  
22 the commissioner.

23 (4) Agents of the bureau who have completed training as specified  
24 by the commissioner are vested with the power to issue ~~summons~~  
25 SUMMONSES and complaints to enforce ~~the provisions of~~ THIS ARTICLE,  
26 part 2 of article 9 of title 18, C.R.S., and article 80 of this title, ~~as granted~~  
27 ~~peace officers under section 16-2-104, C.R.S., and shall be designated as~~

1 peace officers, as described in ~~sections 16-2.5-101 and~~ SECTION  
2 16-2.5-118, C.R.S.

3 (5) The commissioner may, in ~~his~~ THE COMMISSIONER'S discretion,  
4 revoke the commission of any agent.

5 **SECTION 9.** Article 42 of title 35, Colorado Revised Statutes, is  
6 amended BY THE ADDITION OF THE FOLLOWING NEW  
7 SECTIONS to read:

8 **35-42-107.5. Criminal history record check.** (1) ON OR AFTER  
9 JANUARY 1, 2011, NO AGENT SHALL BE APPOINTED UNDER THIS ARTICLE  
10 UNLESS THE AGENT UNDERGOES A CRIMINAL HISTORY RECORD CHECK IN  
11 ACCORDANCE WITH THIS SECTION.

12 (2) IN ADDITION TO ANY OTHER REQUIREMENTS REQUIRED BY LAW  
13 OR RULE, EACH PERSON WHO THE COMMISSIONER SEEKS TO APPOINT SHALL  
14 SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS TO A LOCAL LAW  
15 ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING A  
16 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE PERSON IS  
17 REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER  
18 FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD  
19 CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE  
20 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS  
21 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF  
22 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL  
23 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING  
24 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE  
25 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS  
26 OF THE CRIMINAL HISTORY RECORD CHECK TO THE COMMISSIONER.

27



1           **35-42-107.7. Identification required - issuance of identification**

2   **- fee - rules.** (1) A PERSON ENFORCING THIS ARTICLE SHALL CARRY  
3 IDENTIFICATION AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND  
4 SHALL PRODUCE THE IDENTIFICATION FOR INSPECTION UPON REQUEST BY  
5 ANY INTERESTED PERSON.

6           (2) THE IDENTIFICATION REQUIRED UNDER THIS SECTION SHALL BE  
7 ISSUED BY THE DEPARTMENT AND SHALL BEAR, AT A MINIMUM, THE  
8 AGENT'S NAME AND PICTURE, A NUMERIC IDENTIFIER UNIQUE TO THAT  
9 AGENT, AND THE EXPIRATION DATE OF THE AGENT'S COMMISSION.

10          (3) THE COMMISSIONER SHALL DESIGNATE BY RULE THE FORM OF  
11 THE IDENTIFICATION REQUIRED UNDER THIS SECTION. THE COMMISSIONER  
12 MAY ALSO ESTABLISH AND COLLECT A FEE FROM AN AGENT TO RECOVER  
13 THE ACTUAL COSTS OF PROVIDING THE IDENTIFICATION.

14           **SECTION 10.** 35-42-109 (5) (c) and (5) (d), Colorado Revised  
15 Statutes, are amended to read:

16           **35-42-109. Protection of animals mistreated, neglected, or**  
17 **abandoned.** (5) (c) The court may adjudge that the owner is a person  
18 able to adequately provide for ~~such~~ THE animal and a person fit to own  
19 the animal, in which case the animal shall be returned to the owner ~~after~~  
20 ~~all reasonable expenses of any food, shelter, and care provided by the~~  
21 ~~commissioner have been paid; except that, if such expenses are not paid~~  
22 ~~within ten days of a court order adjudging the owner a person able to~~  
23 ~~adequately provide for such animal and a person fit to own the animal~~  
24 IMMEDIATELY. IF THE OWNER OF THE ANIMAL CANNOT BE LOCATED, the  
25 commissioner may, in ~~his~~ THE COMMISSIONER'S discretion and without  
26 liability, dispose of the animal by selling it at public auction, placing it for  
27 adoption in a suitable home, giving it to a suitable animal shelter, or

1 humanely destroying it as deemed proper by the commissioner.

2 (d) With respect to the sale of an animal, the proceeds shall first  
3 be applied to the costs of the sale and then to the expenses for the care  
4 and provision of the animal, and the remaining proceeds, if any, shall be  
5 paid over to the owner of the animal. If the owner of the animal cannot  
6 be found, any remaining proceeds shall be paid into the estray fund,  
7 created pursuant to section 35-41-102.

8

9 **SECTION 11.** 35-42-114, Colorado Revised Statutes, is amended  
10 to read:

11 **35-42-114. Local regulation.** ~~The provisions of This article shall~~  
12 ~~not be construed to~~ DOES NOT limit or preempt additional regulation by  
13 any city, town, or city and county. ~~Nothing in this article shall interfere~~  
14 ~~with the authority of the department of public health and environment in~~  
15 ~~the enforcement of part 7 of article 4 of title 25, C.R.S., or the department~~  
16 ~~of agriculture in the enforcement of article 80 of this title.~~

17 **SECTION 12.** 35-42-115 (1), Colorado Revised Statutes, is  
18 amended to read:

19 **35-42-115. Dangerous dog registry - created - cash fund.**

20 (1) The bureau shall establish a statewide dangerous dog registry  
21 consisting of a database of information concerning microchip types and  
22 placement by veterinarians and licensed shelters in dangerous dogs  
23 pursuant to ~~the provisions of~~ section 18-9-204.5 (3) (e.5), C.R.S. The  
24 commissioner may promulgate ~~such~~ rules as may be necessary for the  
25 implementation of this section. INFORMATION IN THE DATABASE SHALL  
26 BE OPEN TO PUBLIC INSPECTION AT ALL REASONABLE TIMES AND SHALL BE  
27 ACCESSIBLE ELECTRONICALLY AT ALL TIMES.

1           **SECTION 13. Act subject to petition - effective date -**  
2           **applicability.** (1) This act shall take effect at 12:01 a.m. on the day  
3 following the expiration of the ninety-day period after final adjournment  
4 of the general assembly (August 11, 2010, if adjournment sine die is on  
5 May 12, 2010); except that, if a referendum petition is filed pursuant to  
6 section 1 (3) of article V of the state constitution against this act or an  
7 item, section, or part of this act within such period, then the act, item,  
8 section, or part shall not take effect unless approved by the people at the  
9 general election to be held in November 2010 and shall take effect on the  
10 date of the official declaration of the vote thereon by the governor.  
11           (2) The provisions of this act shall apply to acts occurring on or  
12 after the applicable effective date of this act.