

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0249.01 Stephen Miller

SENATE BILL 06-025

SENATE SPONSORSHIP

Owen,

HOUSE SPONSORSHIP

Coleman,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE STATUTE GOVERNING
102 UNLAWFUL OWNERSHIP OF A DANGEROUS DOG.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Modifies the definition of "dangerous dog" to allow prosecution for a first incident. Requires a person convicted of owning a dangerous dog to post a conspicuous sign on the building or enclosure in which the dog is kept warning others of the dangerous dog. Specifies that the report concerning changes in a dog's status that a convicted dangerous dog owner must make to the bureau of animal protection in the department of agriculture be in writing.

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.

Requires a court to order a convicted dangerous dog owner to disclose in writing to certain providers that a dog is dangerous before the dog receives services or treatment from the providers. Limits the exemption for dogs that inflict injury upon the providers to those dogs whose owners have complied with the written disclosure requirement. Requires the court to also order a convicted dangerous dog owner to disclose to a prospective owner of a dangerous dog that the dog is dangerous.

Requires, rather than permits, a court to order the confiscation and destruction of a dangerous dog in cases in which the dangerous dog causes serious bodily injury or the same dog of the same owner is involved in a second or subsequent violation of the dangerous dog statute. Permits the court-ordered confiscation and destruction of a dangerous dog for a second violation involving the same dog of a different owner.

Permits the court to condition the bail bond for the release of a person charged with unlawful ownership of a dangerous dog on the placement of the dangerous dog by an impound agency at a designated location.

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

2 **SECTION 1.** 18-9-204.5 (2) (b), (3) (e) (II), (3) (e.5), (3) (g), (4),
3 and (6) (b), Colorado Revised Statutes, are amended to read:

4 **18-9-204.5. Unlawful ownership of dangerous dog.** (2) As
5 used in this section, unless the context otherwise requires:

6 (b) "Dangerous dog" means any dog that:

7 (I) ~~Has inflicted~~ INFLECTS bodily or serious bodily injury upon or
8 ~~has caused~~ CAUSES the death of a person or domestic animal; or

9 (II) ~~Has demonstrated~~ DEMONSTRATES tendencies that would
10 cause a reasonable person to believe that the dog may inflict injury upon
11 or cause the death of any person or domestic animal; or

12 (III) ~~Has engaged~~ ENGAGES in or ~~been~~ IS trained for animal
13 fighting as described and prohibited in section 18-9-204.

14 (3) (e) (II) Any owner OF A DOG THAT IS involved in a second or
15 subsequent violation under this paragraph (e) commits a class 2

1 misdemeanor. The minimum fine specified in section 18-1.3-501 for a
2 class 2 misdemeanor shall be mandatory.

3 (e.5) The court shall order any owner of a dangerous dog who has
4 been convicted of a violation of this section to:

5 (I) Confine ~~such~~ THE dangerous dog in a building or enclosure
6 designed to be escape-proof and, whenever ~~such~~ THE dog is outside of
7 ~~such~~ THE building or enclosure, keep the dog under ~~such~~ THE owner's
8 control by use of a leash. THE OWNER SHALL POST A CONSPICUOUS
9 WARNING SIGN ON THE BUILDING OR ENCLOSURE NOTIFYING OTHERS THAT
10 A DANGEROUS DOG IS HOUSED IN THE BUILDING OR ENCLOSURE. In
11 addition, if the conviction is for a second or subsequent offense, ~~such~~ THE
12 dangerous dog shall also be muzzled whenever it is outside of the
13 building or enclosure.

14 (II) Immediately report to the bureau IN WRITING any material
15 change in the dangerous dog's situation, including but not limited to a
16 CHANGE, TRANSFER, OR TERMINATION OF OWNERSHIP, change of address,
17 escape, or death;

18 (III) At the owner's expense, permanently identify the dangerous
19 dog through the implantation of a microchip by a licensed veterinarian or
20 a licensed shelter. A veterinarian or licensed shelter that implants a
21 microchip in a dangerous dog shall report the microchipping information
22 to the bureau within ten days after implantation of the microchip,
23 pursuant to section 35-42-115 (2), C.R.S.

24 (IV) Prior to the implantation of the microchip, pay a
25 nonrefundable dangerous dog microchip license fee of fifty dollars to the
26 bureau;

27 (V) PRIOR TO THE DANGEROUS DOG RECEIVING ANY SERVICE OR

1 TREATMENT, DISCLOSE IN WRITING TO ANY PROVIDER OF THE SERVICE OR
2 TREATMENT, INCLUDING BUT NOT LIMITED TO A VETERINARY HEALTH
3 CARE WORKER, DOG GROOMER, HUMANE AGENCY STAFF PERSON, PET
4 ANIMAL CARE FACILITY STAFF PERSON, PROFESSIONAL DOG HANDLER, DOG
5 TRAINER, OR DOG SHOW JUDGE, EACH ACTING IN THE PERFORMANCE OF HIS
6 OR HER RESPECTIVE DUTIES, THAT THE DANGEROUS DOG HAS BEEN THE
7 SUBJECT OF A CONVICTION OF A VIOLATION OF THIS SECTION;

8 (VI) PRIOR TO A CHANGE, TRANSFER, OR TERMINATION OF
9 OWNERSHIP OF A DANGEROUS DOG, DISCLOSE IN WRITING TO THE
10 PROSPECTIVE OWNER THAT THE DANGEROUS DOG HAS BEEN THE SUBJECT
11 OF A CONVICTION OF A VIOLATION OF THIS SECTION.

12 (g) (I) In addition to the penalties set forth in paragraphs (b) to (e)
13 of this subsection (3), upon an owner's entry of a guilty plea or the return
14 of a verdict of guilty by a judge or jury or a deferred judgment or deferred
15 prosecution for a violation that results in serious bodily injury to a person
16 or death to a person or domestic animal or for a second or subsequent
17 violation of ~~said~~ paragraph (b) or (e) OF THIS SUBSECTION (3) resulting in
18 a conviction or a deferred judgment or a deferred prosecution involving
19 the same dog of the same owner, the court ~~may~~ SHALL order that the
20 dangerous dog be immediately confiscated and placed in a public animal
21 shelter and shall order that, upon exhaustion of any right an owner has to
22 appeal a conviction based on a violation of this subsection (3), the
23 owner's dangerous dog be destroyed by lethal injection administered by
24 a licensed veterinarian.

25 (II) IN ADDITION TO ANY PENALTY SET FORTH IN PARAGRAPHS (b)
26 TO (e) OF THIS SUBSECTION (3), FOR A SECOND OR SUBSEQUENT VIOLATION
27 OF PARAGRAPH (b) OR (e) OF THIS SUBSECTION (3) RESULTING IN A

1 CONVICTION OR A DEFERRED JUDGMENT OR A DEFERRED PROSECUTION
2 INVOLVING THE SAME DOG OF A DIFFERENT OWNER, THE COURT MAY
3 ORDER THAT THE DANGEROUS DOG BE IMMEDIATELY CONFISCATED AND
4 PLACED IN A PUBLIC ANIMAL SHELTER AND THAT, UPON EXHAUSTION OF
5 ANY RIGHT AN OWNER HAS TO APPEAL A CONVICTION BASED ON A
6 VIOLATION OF THIS SUBSECTION (3), THE OWNER'S DANGEROUS DOG BE
7 DESTROYED BY LETHAL INJECTION ADMINISTERED BY A LICENSED
8 VETERINARIAN.

9 (4) Upon taking an owner into custody for an alleged violation of
10 this section or the issuing of a summons and complaint to the owner,
11 pursuant to the Colorado rules of criminal procedure and part 1 of article
12 4 of title 16, C.R.S., the owner's dangerous dog may be taken into custody
13 and placed in a public animal shelter, at the owner's expense, pending
14 final disposition of the charge against the owner. In addition, in the event
15 the court, pursuant to the Colorado rules of criminal procedure and part
16 1 of article 4 of title 16, C.R.S., sets bail for an owner's release from
17 custody pending final disposition, the court may require, as a condition
18 of bond, that the owner's dangerous dog be placed BY AN IMPOUND
19 AGENCY, AS DEFINED IN SECTION 18-9-202.5 (2), at the owner's expense
20 in a LOCATION SELECTED BY THE IMPOUND AGENCY INCLUDING A public
21 animal shelter, licensed boarding facility, or veterinarian's clinic, ~~of the~~
22 ~~owner's choosing,~~ pending final disposition of the alleged violation of this
23 section. The owner shall be liable for the total cost of board and care for
24 a dog placed pursuant to this subsection (4).

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

26 (b) To any dog that inflicts bodily or serious bodily injury to any
27 veterinary health care worker, dog groomer, humane agency personnel,

1 professional dog handler, trainer, or dog show judge each acting in the
2 performance of his or her respective duties, UNLESS THE OWNER IS
3 SUBJECT TO A COURT ORDER ISSUED PURSUANT TO PARAGRAPH (c.5) OF
4 SUBSECTION (3) OF THIS SECTION AND THE OWNER HAS FAILED TO COMPLY
5 WITH THE PROVISIONS OF SUBPARAGRAPH (V) OF PARAGRAPH (e.5) OF
6 SUBSECTION (3) OF THIS SECTION; or

7 **SECTION 2. Effective date - applicability.** This act shall take
8 effect July 1, 2006, and shall apply to offenses committed on or after said
9 date.

10 **SECTION 3. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.