

STEPHENS PUBLIC AFFAIRS GROUP, LLC

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Colorado Federation of Dog Clubs (CFDC) Legislative Report July 4, 2010

BILL [HB10-1124](#)

Sponsors: MCKINLEY

Short Title: Animal Protection Enforcement

This was a complex bill that had several sections. **CFDC testified in favor of certain sections of the bill.** Originally, the committee of reference did not seem to be in favor of the bill, but upon testimony, and several amendments to the bill, it passed committee. An amendment was attached banning discrimination against breed specific service dogs, which CFDC was interested in. However, due to problems with certain sections of the bill, it ultimately was killed on second reading in the House of Representatives.

Recap of the bill as introduced:

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 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.

Status

02/26/2010 House Second Reading Lost with Amendments

BILL [HB10-1135](#)

Sponsors: RYDEN / HUDAK & ...

Short Title: Define Domestic Violence Child Custody

The bill deals with the best interest of the child in the "Uniform Dissolution of Marriage Act." CFDC was interested in the bill because, in the definition of "domestic violence", it includes an act against an animal when used as a method of coercion, control, punishment, intimidation or revenge directed against a person with whom the actor has been involved.

CFDC took action to gain an amendment in the Judiciary committee to clarify that an animal is property. The original language in the bill may have inferred that an animal is considered a "person."

In the statutory section concerning the best interests of the child under the "Uniform Dissolution of Marriage Act", the bill replaces the term "spouse abuse" in each occurrence with the broader term "domestic violence". The bill defines the term "domestic violence" to align the definition closely to the broader definition of "domestic violence" in the Peniston, Primavera, Schafer S., Solano, Todd criminal statutes, and also defines the term "intimate relationship". The bill replaces the term "spouse abuse" with the broader term "domestic violence" where the term occurs in the statutory sections relating to modification of parenting time. The new definition of "domestic violence" will apply to determinations of the best interests of a child occurring on or after July 1, 2010.

Status

4/14/2010 Governor Signed into Law

BILL [HB10-1214](#)

Sponsors: MCCANN / SCHWARTZ

Short Title: Adopt A Shelter Pet License Plate

Section 1 adds a representative of the western slope to the Colorado pet overpopulation authority. Section 2 creates the adopt a shelter pet account (account) in the pet overpopulation fund. Sections 3 and 4 continue the pet overpopulation contribution on tax returns until 2013. Section 5 creates the adopt a shelter pet special license plate for motor vehicles that do not exceed 16,000 pounds. The fees for the special license plate consist of normal registration fees plus 3 one-time fees equaling \$80: \$25 is credited to the highway users tax fund, \$25 is credited to the licensing services cash fund, and \$30 is credited to the account. In addition, the special plate requires an annual renewal fee of \$25 that is also credited to the account.

CFDC took action to gain an amendment to this bill. There was language in the bill to allow certain funding from the Pet Overpopulation Fund to go to "HUMANE EDUCATION PROGRAMS." CFDC was concerned that the money would be spent to support HSUS education programs. We pointed out to the bill sponsors in both houses that language is currently in law that allows for education programs on spay and neuter programs. Ultimately, CFDC prevailed after several negotiating meetings with the bill sponsors and the proponents of the bill and the word "HUMANE" was removed from the bill.

Status

6/09/2010 Governor Signed into Law

BILL [SB10-080](#)

Sponsors: NEWELL / FRANGAS

Short Title: Protection Orders Pets Animals

The bill allows a court-entered civil protection order to restrain a party from threatening, molesting, injuring, killing, taking, transferring, encumbering, concealing, or disposing of any animal owned, possessed, leased, kept, or held by any other party. A court-entered civil protection order may also specify arrangements for possession and care of any animal owned, possessed, leased, kept, or held by any other party. The bill amends the definitions of "abuse of the elderly or of an at-risk adult", "domestic abuse", and "protection order" as necessary to include threats or actions against animals.

For the first time, a court may now order that an animal be protected in civil protection orders. Formerly, there was not a process for animal protection.

Status

4/12/2010 Governor Signed into Law

NEW! [SJR 10-031](#)

Sponsors: Newell/ Rice

Short Title: Recognition of the Freedom Service Dogs Program

The resolution recognizes the "Freedom Service Dogs Program." It commends the program for its dedication to meeting the needs of disabled service members returning from duty in Iraq and Afghanistan. It also salutes the program's dedicated cadre of volunteers and the many organizations that help them. It also recognized the positive impact that companion animals have on the everyday lives of their clients and encourages the program to continue to expand.

Status: 4/14/2010 Adopted