



Current Colorado State Law

The Coalition for Living Safely with Dogs is a group of Colorado animal health, care, and control professionals seeking to educate dog owners and the general public on how to live safely with dogs and to assist municipalities in establishing and enforcing new or more effective dangerous dog laws.

- All Breed Rescue Network (ABRN)
- Animal Assistance Foundation (AAF)
- Colorado Association of Animal Control Officers (CAACO)
- Colorado Association of Certified Veterinary Technicians (CACVT)
- Colorado Federation of Animal Welfare Agencies (CFAWA)
- Colorado Veterinary Medical Association (CVMA)
- Denver Area Veterinary Medical Society (DAVMS)
- Metro Denver Shelter Alliance (MDSA)
- Summerlee Foundation

General Inquiries: David Gies, Animal Assistance Foundation, 303/744-8396, D_Dog@aaf-fd.org

Media Inquiries: Jayme Nielson-Foley, Denver Area Veterinary Medical Society, 303/318-0447, jaymenielson-foley@colovma.org

The Coalition for Living Safely with Dogs aims to develop model municipal legislation regarding dangerous dogs. The following is currently what the state law is regarding dangerous dogs.

Current Colorado State Law Regarding Dangerous Dogs

13-21-124 C.R.S.

A person who suffers serious bodily injury or death from being bitten by a dog while lawfully on public or private property or their representative shall be entitled to bring a civil action to recover economic damages against the dog owner regardless of the viciousness or dangerous propensities of the dog or the dog owner's knowledge or lack of knowledge of the dog's viciousness or dangerous propensities.

Affirmative Defenses (i.e., the dog is not guilty of being a dangerous dog under the following circumstances)

- The person is unlawfully on public or private property.
 - The person is on property of the dog owner and the property is clearly and conspicuously marked with one or more posted signs stating "no trespassing" or "beware of dog."
 - The dog is being used by a peace officer or military personnel in the performance of their duties.
 - The person knowingly provoked the dog.
 - The dog is a working hunting, herding, farm or ranch dog, or predator control dog on the property of or under the control of the dog's owner.
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35-42-115 C.R.S.

A dangerous dog registry consisting of a database of information concerning microchip types and placement shall be kept by the Bureau of Animal Protection. The owner shall pay a fee of \$50 (fifty dollars).

18-9-204.5 C.R.S.

Definitions

- *Bodily Injury*: Any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.
- *Serious Bodily Injury*: Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.
- *Dangerous Dog*: Any dog that has inflicted bodily or serious bodily injury upon or has caused the death of a person or domestic animal or has demonstrated tendencies that would cause a reasonable person to believe that the dog may inflict injury upon or cause the death of any person or domestic animal or has engaged in or been trained for animal fighting as described and prohibited in section 18-9-204.

Restitution

- The court shall order the convicted owner and any owner who enters into a deferred judgment or deferred prosecution to make restitution to an injured or dead domestic animal's owner pursuant to applicable provisions governing restitution.
- Restitution shall be equal to the greater of the fair market value or the replacement cost of the domestic animal on the date, but before the time, the animal was injured or destroyed plus any reasonable and necessary medical expenses incurred in treating the animal and any actual costs incurred in replacing the injured or destroyed animal.
- Any owner whose dog destroys property shall make restitution to the owner of such property in an amount equal to the greater of the fair market value or the replacement cost of such property before its destruction plus any actual costs incurred in replacing such property.

Penalties

- The court shall order any owner of a dangerous dog who has been convicted of a violation of this section to:
 - Confine such dangerous dog in a building or enclosure designed to be escape-proof and, whenever such dog is outside of such building or enclosure, keep the dog under such owner's control by use of a leash. In addition, if the conviction is for a second or subsequent offense, such dangerous dog shall also be muzzled whenever it is outside of the building or enclosure.
 - Immediately report to the Bureau of Animal Protection any material change in the dangerous dog's situation, including but not limited to a change of address, escape, or death.
 - At the owner's expense, permanently identify the dangerous dog through the implantation of a microchip by a licensed veterinarian or a licensed shelter. A veterinarian or licensed shelter that implants a microchip in a dangerous dog shall report the microchipping information to the bureau within ten days after implantation of the microchip, pursuant to section 35-42-115 (2), C.R.S.
 - Prior to the implantation of the microchip, the owner will pay a nonrefundable dangerous dog microchip license fee of \$50 (fifty dollars) to the bureau.

18-9-204.5 C.R.S. continued

In addition to any other penalty upon an owner's entry of a guilty plea or the return of a verdict of guilty by a judge or jury or a deferred judgment or deferred prosecution for a violation that results in bodily injury, serious bodily injury, or death to a person, the court shall order the defendant to make restitution in accordance with applicable provisions.

In addition, upon an owner's entry of a guilty plea or the return of a verdict of guilty by a judge or jury or a deferred judgment or deferred prosecution for a violation that results in serious bodily injury to a person or death to a person or domestic animal or for a second or subsequent violation resulting in a conviction or a deferred judgment or a deferred prosecution involving the same dog of the same owner, the court may order that the dangerous dog be impounded and upon exhaustion of any right an owner has to appeal, the dangerous dog be destroyed by lethal injection administered by a licensed veterinarian.

Upon taking an owner into custody for an alleged violation of this section or the issuing of a summons and complaint to the owner, the dangerous dog may be taken into custody and placed in a public animal shelter, at the owner's expense, pending final disposition of the charge against the owner. In addition, in the event the court sets bail for an owner's release from custody pending final disposition, the court may require, as a condition of bond, that the dangerous dog be placed at the owner's expense in a public animal shelter, licensed boarding facility, or veterinarian's clinic of the owner's choosing. The owner shall be liable for the total cost of board and care.

Affirmative Defenses (i.e., the dog is not guilty of being a dangerous dog under the following circumstances)

- That, at the time of the attack by the dangerous dog which causes injury to or the death of a domestic animal, the domestic animal was at large, was a stray, and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property.
- That, at the time of the attack by the dangerous dog which causes injury to or the death of a domestic animal, said animal was biting or otherwise attacking the dangerous dog or its owner.
- That, at the time of the attack by the dangerous dog which causes injury to or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against the dog's owner, and the attack did not occur on the owner's property;
- That, at the time of the attack by the dangerous dog which causes injury to or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against a person on the owner's property or the property itself and the attack began, but did not necessarily end, upon such property.
- That the person who was the victim of the attack by the dangerous dog, tormented, provoked, abused, or inflicted injury upon the dog in such an extreme manner which resulted in the attack.

The affirmative defenses do not apply to any dog that has engaged in or been trained for animal fighting.

A municipality or county may adopt any rule or law for the control of dangerous dogs; except that any such rule or law shall not regulate dangerous dogs in a manner that is specific to breed.