



**EXHIBIT B**  
**18-9-204.5 C.R.S.**  
**UNLAWFUL OWNERSHIP OF**  
**DANGEROUS DOG**

- A. The general assembly hereby finds, determines, and declares that dangerous dogs are a serious and widespread threat to the safety and welfare of citizens throughout the state because of the number and serious nature of attacks by such dogs.
- B. As used in this section, unless the context otherwise requires:
1. "Bodily injury" means any physical injury that results in severe bruising, muscle tears, skin lacerations requiring professional medical treatment, or fracture of any bone or injury that requires corrective or cosmetic surgery.
  2. "Dangerous dog" means any dog that:
    - a. Has inflicted bodily or serious bodily injury upon or has caused death of a person or domestic animal; or
    - b. 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
    - c. Has engaged in or been trained for animal fighting as described and prohibited in section 18-9-204.
  3. "Dog" means any domesticated animal related to the fox, wolf, coyote, or jackal.
  4. "Domestic animal" means any dog, cat, or livestock.
  5. "Owner" or "owns" means any person, firm, corporation, or organization owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of a domestic animal, as the term is defined in paragraph (d) of this subsection (2), including a dangerous dog as the term is defined in paragraph (b) of this subsection (2).
  6. "Serious bodily injury" has the same meaning as such term is defined in section 18-1-901(3)(p).
- C. 1. A person commits ownership of a dangerous dog if such person owns, possesses, harbors, keeps, has a financial or property interest in, or has custody or control over a dangerous dog.
2. Any owner who violates paragraph (a) of this subsection (3) whose dog inflicts bodily injury upon any person, commits a class 3 misdemeanor. Any owner involved in a second or subsequent violation under this paragraph (b) commits a class 2 misdemeanor.
3. Any owner who violates paragraph (a) of this subsection (3) whose dog inflicts serious bodily injury to a person, commits a class 1 misdemeanor. Any owner involved in a second or subsequent violation under this paragraph (c) commits a class 6 felony.

4. Any owner who violates paragraph (a) of this subsection (3) whose dog causes the death of a person commits a class 5 felony.
5. Any owner who violates paragraph (a) of this subsection (3) whose dog injures or destroys any domestic animal, commits a class 3 misdemeanor. Any owner involved in a second or subsequent violation under this paragraph (e) commits a class 2 misdemeanor. The court shall order the convicted owner and any owner who enters into a deferred judgement or deferred prosecution to make restitution to the injured or dead domestic animal's owner pursuant to applicable provisions of Title 16, C.R.S., governing restitution. Restitution shall be equal to the fair market value 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 preserving the animal's life.
6. In addition to any other penalty set forth in this subsection (3), 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 judgement or deferred prosecution for a violation that results in bodily injury, serious bodily injury, or death to a person, the court pursuant to applicable provisions of title 16, C.R.S., governing restitution, shall order the defendant to make restitution in accordance with said provisions.
7. In addition to the penalties set forth in paragraphs (b) to (e) of this subsection (3), 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 judgement 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 of said paragraph (b) or (e) resulting in a conviction or a deferred judgement or a deferred prosecution involving the same dog of the same owner, the court may order that the dangerous dog be immediately confiscated and placed in a public animal shelter and shall order that, upon exhaustion of any right an owner has to appeal a conviction based on a violation of this subsection (3), the owner's dangerous dog be destroyed by lethal injection administered by a licensed veterinarian.
8. a. An affirmative defense to the violation of this subsection (3) shall be:
  - i. 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 an stray, and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property;
  - ii. 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;
  - iii. 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;
  - iv. 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; or

- v. 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.
  - b. The affirmative defenses set forth in subparagraph (I) of this paragraph (h) shall not apply to any dog that has engaged in or been trained for animal fighting as said term is described in section 18-9-204.
- D. Upon taking an owner into custody for an alleged violation of this section or the issuing of a summons and complaint to the owner, pursuant to the Colorado rules of criminal procedure and part I of article 4 of title 16, C.R.S., the owner's dangerous dog shall 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, pursuant to the Colorado rules of criminal procedure and part 1 of article 4 of title 16, C.R.S., sets bail for an owner's release from custody pending final disposition, the court shall require, as a condition of bond, that the owner's 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, pending final disposition of the alleged violation of this section. The owner shall be liable for the total cost of board and care for a dog placed pursuant to this subsection (4).
- E. Nothing in this section shall be construed to:
1. Prohibit a municipality from adopting any rule or law for the control of dangerous dogs.
  2. Abrogate a county's authority under part 1 of article 15 of title 30, C.R.S., to adopt dog control and licensing resolutions and to impose the penalties set forth in section 30-15-102, C.R.S.
- F. The provisions of this section shall not apply to the following:
1. To any dog that is used by a peace officer while the officer is engaged in the performance of peace officer duties;
  2. To any dog that inflicts bodily or serious bodily injury to any veterinary health care worker, dog groomer, humane agency personnel, professional dog handler, trainer, or dog show judge, each acting in the performance of his or her respective duties; or
  3. To any dog that inflicts injury upon or causes the death of a domestic animal while the dog is working as a hunting dog, herding dog, or predator control dog on the property of or under the control of the dog's owner and the injury or death is to a domestic animal naturally associated with the work of such dog.