



SB ##### - Cost of Care for Impounded Animals

- Addresses concerns about due process identified in recent impound cases
- Gives owners of impounded animals an opportunity to be heard
- Clarifies purposes of the hearing and brings into statute matters that are commonly addressed
- Recognizes that living evidence is unique and that animal impoundment cases require more expediency
- Minimizes stress on animals by limiting time between impoundment and decision making
- Places impound hearings in criminal court in recognition of the serious nature of the proceedings
- Sets hearing deadlines that help limit impounding agency costs associated with hearing delays
- Minimizes the cost to the impound agency (municipal animal control agencies, humane societies, and Colorado Department of Agriculture)
- Clarifies the terms used to describe the cost of impound and care

SB### - FAQs

How does the impound statute work now?

A Colorado Bureau of Animal Protection agent, a Colorado Department of Agriculture employee, or a local law enforcement officer can impound animals that are either the subject of a cruelty investigation (C.R.S. 18-9-202.5) or are dangerous to the community (C.R.S. 18-9-204.5). The impounding agency notifies the owner or custodian of the impoundment and provides an estimate of the cost of care for the first 30 days of impoundment. In order to preserve ownership of the animals, the owner must post security in the amount listed in the notice within 10 days. The notice also indicates that the owner or custodian may request a hearing to discuss contest the cost of care as unreasonable. The owner must request the hearing within 10 days of the impoundment. If the owner does not post a bond or request a hearing, the animals become the property of the impounding agency and can be adopted, sold or euthanized.

If the owner requests the hearing and posts security to cover the cost of care for 30 days, the agency holds the animals during that time. The owner must post additional funds every 30 days to preserve ownership of the animals until resolution of the criminal case. If the owner fails to post the funds in a timely manner, the animals are eligible to be adopted, sold or euthanized.

Why are changes needed?

The animal impound statute provides a unique mechanism that is only applicable to living property. A few jurisdictions see a higher incidence of dangerous dog or animal cruelty impounds than others and in these jurisdictions, the statute is well understood by those who use it. In most other jurisdictions, the statute may be unclear or confusing to owners, their lawyers, or courts that do not handle these cases regularly. This confusion often results in animals being held “in limbo” for longer periods than the statute intends. The longer animals are held, the more stress the animals experience from being in an unfamiliar environment and, the more costs the agency incurs.

Owners whose animals have been impounded have also expressed concern that they have not been able to address arguments relating to the impoundment of their animals (not the cruelty charges), including sufficiency of probable cause. SB##### provides a mechanism for probable cause and other related issues to be discussed at the initial hearing.

By revising the procedures in the statute, the hearing and disposition process will be clearer for all involved. This will reduce the time animals are held and decrease costs for impounding agencies, while providing owners with additional due process protections.

What happens if these changes are not made?

Some agencies, particularly municipal or county animal control agencies, may not be able to seize abused animals because of the potential for unchecked costs associated with open-ended impoundment of animals. Dangerous dogs that are seized may be held longer than necessary, putting animal care and control staff at risk. Without clarification of the existing statute, parties unfamiliar with the impound process could continue apply the statute incorrectly, placing people and animals at risk.

What types of animals are affected?

The animal cruelty statute, and the provisions that allow for animal impounds, apply to any living “dumb” creature. The Department of Agriculture and local law enforcement are the only parties with the authority to impound livestock. The dangerous animal provisions that allow dogs to be impounded after injury to a person or other animal only apply to dogs.

Does the ultimate resolution of the cruelty case against the defendant affect the cost of care?

No. Animals that are being held pending the outcome of a cruelty or dangerous dog case require feeding and care, in the same way they would if they were being housed at home. In many cases, seized animals need more care because of the illness or injury they have sustained. Whether the defendant enters into a plea deal, pleads to charges other than animal cruelty, is found guilty of a felony or misdemeanor, or is found not guilty, the impound agency still incurs costs for the time period that it holds and cares for animals.

Had the animals not been impounded, the owner would have been responsible for the cost of caring for their animals. Regardless of the outcome, the existing impound statute and SB##### keep the responsibility for the costs of care with the owner.