

Ballot Initiative 2022

Colorado State Ballot Initiative

Protect Animals from Unnecessary Suffering and Exploitation

Be it enacted by the people of the state of Colorado:

Section 1. In Colorado Revised Statutes, 18-9-201, amend (2), (2.9), and (5); add (3.5) as follows:

18-9-201. Definitions

As used in this part 2, unless the context otherwise requires:

(2) "Animal" means any living ~~dumb~~-NON-HUMAN creature, including, BUT NOT LIMITED TO, A DOG, A CAT, A HORSE, LIVESTOCK, a certified police working dog, a police working horse, and a service animal as those terms are defined, respectively, in subsections (2.3), (2.9), (2.4), and (4.7) of this section.

(2.9) "Livestock" means bovine, camelids, caprine, equine, ovine, porcine, FISH and poultry.

(3.5) "NATURAL LIFESPAN" FOR THE FOLLOWING SPECIES SHALL BE EXPLICITLY DEFINED HERE BASED ON STATISTICAL ESTIMATES: A COW LIVES TO 20 YEARS, A CHICKEN LIVES TO 8 YEARS, A TURKEY LIVES TO 10 YEARS, A DUCK LIVES TO 6 YEARS, A PIG LIVES TO 15 YEARS, A SHEEP LIVES TO 15 YEARS, A RABBIT LIVES TO 6 YEARS.

(5) "Sexual act with an animal" means an act between a person and an animal involving either direct physical contact between the genitals of one and the mouth, anus, or genitals of the other. SEXUAL ACT WITH AN ANIMAL ALSO INCLUDES ANY INTRUSION OR PENETRATION, HOWEVER SLIGHT, WITH AN OBJECT OR PART OF A PERSON'S BODY INTO AN ANIMAL'S ANUS OR GENITALS. A sexual act with an animal may be proven without allegation or proof of penetration. Nothing in this subsection (5) shall be construed to prohibit ANY PERSON FROM DISPENSING CARE TO AN ANIMAL IN THE INTEREST OF IMPROVING THAT ANIMAL'S HEALTH ~~accepted animal husbandry practices~~.

*new text in capitalized letters and text that is being eliminated in strikeout type

Section 2. In Colorado Revised Statutes, 18-9-201.5, amend (1) and (3) as follows:

18-9-201.5. Scope of Part 2

(1) Nothing in this part 2 shall affect ~~accepted animal husbandry practices utilized by any person in the care of companion or livestock animals or in the extermination of undesirable pests as defined in articles 7 AND 10, and 43 of title 35, C.R.S.~~

(2) In case of any conflict between this part 2 or section 35-43-126, C.R.S., and the wildlife statutes of the state, said wildlife statutes shall control.

(3) IN CASE OF ANY CONFLICT BETWEEN ANIMAL CARE OTHERWISE AUTHORIZED BY LAW, THIS PART 2 SHALL CONTROL. ~~Nothing in this part 2 shall affect animal care otherwise authorized by law.~~

Section 3. In Colorado Revised Statutes, 18-9-202, amend (1)(b), (2)(a.5)(VII), and (4); add (1.9) and (2)(a.5)(VIII) as follows:

18-9-202. Cruelty to animals - aggravated cruelty to animals

(1) (a) A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overdrives, overloads, overworks, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, carries or confines in or upon any vehicles in a cruel or reckless manner, engages in a sexual act with an animal, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather consistent with the species, breed, and type of animal involved, or abandons an animal.

(b) Any person who intentionally abandons AN ANIMAL ~~a dog or cat~~ commits the offense of cruelty to animals.

(1.9) ANY PERSON WHO SLAUGHTERS LIVESTOCK IN ACCORDANCE WITH ACCEPTED AGRICULTURAL ANIMAL HUSBANDRY PRACTICES DOES NOT VIOLATE THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SO LONG AS THE ANIMAL HAS LIVED ONE QUARTER OF THEIR NATURAL LIFESPAN BASED ON SPECIES, BREED, AND TYPE OF ANIMAL AND THE ANIMAL IS SLAUGHTERED IN SUCH A WAY THAT THE ANIMAL DOES NOT NEEDLESSLY SUFFER.

(2) (a) Except as otherwise provided in subsection (2)(b) of this section, cruelty to animals, or cruelty to a service animal or certified police working dog or police working horse pursuant to subsection (1.5)(c) of this section, is a class 1 misdemeanor.

(a.5)

(VII) This subsection (2)(a.5) does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products ~~when~~ REGARDLESS OF WHETHER the treatment is in accordance with accepted agricultural animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, ~~the treatment of animals involved in research if the research facility is operating under rules set forth by the state or federal government,~~ the treatment of animals involved in rodeos, OR the treatment of dogs used for legal hunting activities. ~~; wildlife nuisances, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.~~

(VIII) THIS SUBSECTION (2)(a.5) DOES NOT APPLY TO THE TREATMENT OF ANY ANIMAL INVOLVED IN RESEARCH IF THE RESEARCH FACILITY IS OPERATING UNDER RULES SET FORTH BY THE STATE OR FEDERAL GOVERNMENT, WILDLIFE NUISANCES, OR TO STATUTES REGULATING ACTIVITIES CONCERNING WILDLIFE AND PREDATOR CONTROL IN THE STATE, INCLUDING TRAPPING.

(4) The short title of this section is "Punky's WILBUR's Law".

Section 4. Effective Date:

This act takes effect April 1st 2023, and applies to offenses committed on or after said date.

Section 5. Severability:

If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect any other provision or application of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.