HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 18, 2010 Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

<u>HB10-1081</u> be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation:

Amend printed bill, page 2, line 5, strike "penalty." and substitute
 "penalty - definitions.".

- 3 Page 2, strike lines 7 through 24 and substitute:
- 4 "(a) CONDUCTS OR ATTEMPTS TO CONDUCT A FINANCIAL
 5 TRANSACTION THAT INVOLVES MONEY OR ANY OTHER THING OF VALUE
 6 THAT HE OR SHE KNOWS OR BELIEVES TO BE THE PROCEEDS, IN ANY FORM,
 7 OF A CRIMINAL OFFENSE:

8 (I) WITH THE INTENT TO PROMOTE THE COMMISSION OF A 9 CRIMINAL OFFENSE; OR

10 (II) WITH KNOWLEDGE OR A BELIEF THAT THE TRANSACTION IS11 DESIGNED IN WHOLE OR IN PART TO:

12 (A) CONCEAL OR DISGUISE THE NATURE, LOCATION, SOURCE,13 OWNERSHIP, OR CONTROL OF THE PROCEEDS OF A CRIMINAL OFFENSE; OR

14 (B) AVOID A TRANSACTION REPORTING REQUIREMENT UNDER15 FEDERAL LAW;

16 (b) TRANSPORTS, TRANSMITS, OR TRANSFERS A MONETARY17 INSTRUMENT OR MONEYS:

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1 (I) WITH THE INTENT TO PROMOTE THE COMMISSION OF A 2 CRIMINAL OFFENSE; OR

3 (II) WITH KNOWLEDGE OR A BELIEF THAT THE MONETARY
4 INSTRUMENT OR MONEYS REPRESENT THE PROCEEDS OF A CRIMINAL
5 OFFENSE AND THAT THE TRANSPORTATION, TRANSMISSION, OR TRANSFER
6 IS DESIGNED, IN WHOLE OR IN PART, TO:

7 (A) CONCEAL OR DISGUISE THE NATURE, LOCATION, SOURCE,8 OWNERSHIP, OR CONTROL OF THE PROCEEDS OF A CRIMINAL OFFENSE; OR

9 (B) AVOID A TRANSACTION REPORTING REQUIREMENT UNDER 10 FEDERAL LAW; OR

(c) INTENTIONALLY CONDUCTS A FINANCIAL TRANSACTION
INVOLVING PROPERTY THAT IS REPRESENTED TO BE THE PROCEEDS OF A
CRIMINAL OFFENSE, OR INVOLVING PROPERTY THAT THE PERSON KNOWS
OR BELIEVES TO HAVE BEEN USED TO CONDUCT OR FACILITATE A CRIMINAL
OFFENSE, TO:

16 (I) PROMOTE THE COMMISSION OF A CRIMINAL OFFENSE;

(II) CONCEAL OR DISGUISE THE NATURE, LOCATION, SOURCE,
OWNERSHIP, OR CONTROL OF PROPERTY THAT THE PERSON BELIEVES TO BE
THE PROCEEDS OF A CRIMINAL OFFENSE; OR

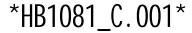
20 (III) AVOID A TRANSACTION REPORTING REQUIREMENT UNDER
 21 FEDERAL LAW.".

22 Page 2, after line 25 insert:

"(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISEREQUIRES:

(a) "CONDUCTS OR ATTEMPTS TO CONDUCT A FINANCIAL
TRANSACTION" INCLUDES, BUT IS NOT LIMITED TO, INITIATING,
CONCLUDING, OR PARTICIPATING IN THE INITIATION OR CONCLUSION OF A
TRANSACTION.

29 (b) "FINANCIAL TRANSACTION" MEANS A TRANSACTION



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1 INVOLVING:

- 2 (I) THE MOVEMENT OF MONEYS BY WIRE OR OTHER MEANS;
- 3 (II) ONE OR MORE MONETARY INSTRUMENTS;
- 4 (III) THE TRANSFER OF TITLE TO ANY REAL PROPERTY, VEHICLE, 5 VESSEL, OR AIRCRAFT; OR
- 6 (IV) THE USE OF A FINANCIAL INSTITUTION.
- 7 (c) "MONETARY INSTRUMENT" MEANS:

8 (I) COIN OR CURRENCY OF THE UNITED STATES OR ANY OTHER
9 COUNTRY; A TRAVELER'S CHECK; A PERSONAL CHECK; A BANK CHECK; A
10 CASHIER'S CHECK; A MONEY ORDER; A BANK DRAFT OF ANY COUNTRY; OR
11 GOLD, SILVER, OR PLATINUM BULLION OR COINS;

(II) AN INVESTMENT SECURITY OR NEGOTIABLE INSTRUMENT IN
BEARER FORM OR IN OTHER FORM SUCH THAT TITLE PASSES UPON
DELIVERY; OR

(III) A GIFT CARD OR OTHER DEVICE THAT IS THE EQUIVALENT OF
 MONEY AND CAN BE USED TO OBTAIN CASH, PROPERTY, OR SERVICES.

17 (d) "REPRESENT" INCLUDES, BUT IS NOT LIMITED TO, THE MAKING
18 OF A REPRESENTATION BY A PEACE OFFICER, A FEDERAL OFFICER, OR
19 ANOTHER PERSON ACTING AT THE DIRECTION OF, OR WITH THE APPROVAL
20 OF, A PEACE OFFICER OR FEDERAL OFFICER.

21 (e) "TRANSACTION" INCLUDES A PURCHASE, SALE, LOAN, PLEDGE, 22 GIFT, TRANSFER, DELIVERY, OR OTHER DISPOSITION AND, WITH RESPECT TO 23 A FINANCIAL INSTITUTIONS, INCLUDES A DEPOSIT; A WITHDRAWAL; A 24 TRANSFER BETWEEN ACCOUNTS; AN EXCHANGE OF CURRENCY; A LOAN; AN 25 EXTENSION OF CREDIT; A PURCHASE OR SALE OF ANY STOCK, BOND, 26 CERTIFICATE OF DEPOSIT, OR OTHER MONETARY INSTRUMENT; THE USE OF 27 A SAFE DEPOSIT BOX; OR ANY OTHER PAYMENT, TRANSFER, OR DELIVERY 28 BY, THROUGH, OR TO A FINANCIAL INSTITUTION BY WHATEVER MEANS.".

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