

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:

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

1 Amend printed bill, page 2, line 5, strike "**penalty.**" and substitute
2 "**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 IS
11 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 UNDER
15 FEDERAL LAW;

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

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

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

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

17 (II) CONCEAL OR DISGUISE THE NATURE, LOCATION, SOURCE,
18 OWNERSHIP, OR CONTROL OF PROPERTY THAT THE PERSON BELIEVES TO BE
19 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:

23 "(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

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

29 (b) "FINANCIAL TRANSACTION" MEANS A TRANSACTION

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;

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

15 (III) A GIFT CARD OR OTHER DEVICE THAT IS THE EQUIVALENT OF
16 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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