

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0516.01 Richard Sweetman

HOUSE BILL 10-1081

HOUSE SPONSORSHIP

Priola,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MONEY LAUNDERING.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill eliminates money laundering as a criminal offense specific to the "Uniform Controlled Substances Act of 1992" and relocates it, with amendments, as a criminal offense involving fraud. The bill also adds money laundering to the definition of "racketeering activity" for the purposes of the "Colorado Organized Crime Control Act".

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 3 of article 5 of title 18, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **18-5-309. Money laundering - illegal investments - penalty.**

6 (1) A PERSON COMMITS MONEY LAUNDERING IF HE OR SHE:

7 (a) RECEIVES OR ACQUIRES MONEY OR ANY OTHER THING OF
8 VALUE THAT HE OR SHE KNOWS OR REASONABLY SHOULD KNOW IS THE
9 PROCEEDS OF A CRIMINAL OFFENSE;

10 (b) GIVES, SELLS, TRANSFERS, TRADES, INVESTS, CONCEALS,
11 TRANSPORTS, OR OTHERWISE MAKES AVAILABLE TO ANOTHER PERSON
12 ANYTHING OF VALUE THAT THE PERSON KNOWS OR REASONABLY SHOULD
13 KNOW IS INTENDED TO BE USED FOR THE PURPOSE OF COMMITTING OR
14 FURTHERING THE COMMISSION OF A CRIMINAL OFFENSE;

15 (c) DIRECTS, PLANS, INITIATES, FINANCES, MANAGES, SUPERVISES,
16 OR FACILITATES THE TRANSPORTATION OR TRANSFER OF PROCEEDS THAT
17 THE PERSON KNOWS OR REASONABLY SHOULD KNOW ARE PROCEEDS
18 DERIVED FROM THE COMMISSION OF A CRIMINAL OFFENSE; OR

19 (d) CONDUCTS A FINANCIAL TRANSACTION THAT IS DESIGNED IN
20 WHOLE OR IN PART TO CONCEAL OR DISGUISE THE NATURE, LOCATION,
21 SOURCE, OWNERSHIP, OR CONTROL, OR TO AVOID A REPORTING
22 REQUIREMENT UNDER STATE OR FEDERAL LAW, OF PROCEEDS THAT THE
23 PERSON KNOWS OR REASONABLY SHOULD KNOW ARE DERIVED FROM THE
24 COMMISSION OF A CRIMINAL OFFENSE.

25 (2) MONEY LAUNDERING IS A CLASS 3 FELONY.

26 **SECTION 2.** 18-17-103 (5) (b) (IV), Colorado Revised Statutes,
27 as it exists until July 1, 2011, is amended to read:

1 **18-17-103. Definitions.** As used in this article, unless the context
2 otherwise requires:

3 (5) "Racketeering activity" means to commit, to attempt to
4 commit, to conspire to commit, or to solicit, coerce, or intimidate another
5 person to commit:

6 (b) Any violation of the following provisions of the Colorado
7 statutes or any criminal act committed in any jurisdiction of the United
8 States which, if committed in this state, would be a crime under the
9 following provisions of the Colorado statutes:

10 (IV) Offenses involving fraud, as defined in sections 18-5-102
11 (forgery), 18-5-104 (second degree forgery), 18-5-105 (criminal
12 possession of forged instrument), 18-5-109 (criminal possession of
13 forgery devices), 18-5-110.5 (trademark counterfeiting), 6-16-111,
14 C.R.S., (felony charitable fraud), 18-5-206 (defrauding a secured creditor
15 or debtor), 18-5-309 (MONEY LAUNDERING), 18-5-403 (bribery in sports),
16 18-5-113 (criminal impersonation), 18-5-114 (offering a false document
17 for recording), 18-5-702 (unauthorized use of a financial transaction
18 device), 18-5-705 (criminal possession or sale of a blank financial
19 transaction device), 18-5-706 (criminal possession of forgery devices),
20 18-5-707 (unlawful manufacture of a financial transaction device),
21 18-5-902 (identity theft), 18-5-903 (criminal possession of a financial
22 device), 18-5-904 (gathering identity information by deception), and
23 18-5-905 (possession of identity theft tools);

24 **SECTION 3.** 18-17-103 (5) (b) (IV), Colorado Revised Statutes,
25 as it will become effective July 1, 2011, is amended to read:

26 **18-17-103. Definitions.** As used in this article, unless the context
27 otherwise requires:

1 (5) "Racketeering activity" means to commit, to attempt to
2 commit, to conspire to commit, or to solicit, coerce, or intimidate another
3 person to commit:

4 (b) Any violation of the following provisions of the Colorado
5 statutes or any criminal act committed in any jurisdiction of the United
6 States which, if committed in this state, would be a crime under the
7 following provisions of the Colorado statutes:

8 (IV) Offenses involving fraud, as defined in sections 18-5-102
9 (forgery), 18-5-104 (second degree forgery), 18-5-105 (criminal
10 possession of forged instrument), 18-5-109 (criminal possession of
11 forgery devices), 18-5-110.5 (trademark counterfeiting), 6-16-111,
12 C.R.S., (felony charitable fraud), 18-5-206 (defrauding a secured creditor
13 or debtor), 18-5-309 (MONEY LAUNDERING), 18-5-403 (bribery in sports),
14 18-5-113 (criminal impersonation), 18-5-114 (offering a false document
15 for recording), 18-5-702 (unauthorized use of a financial transaction
16 device), 18-5-705 (criminal possession or sale of a blank financial
17 transaction device), 18-5-706 (criminal possession of forgery devices),
18 18-5-707 (unlawful manufacture of a financial transaction device),
19 18-5-902 (identity theft), 18-5-903 (criminal possession of a financial
20 device), 18-5-903.5 (criminal possession of an identification document),
21 18-5-904 (gathering identity information by deception), and 18-5-905
22 (possession of identity theft tools);

23 **SECTION 4. Repeal.** 18-18-408, Colorado Revised Statutes, is
24 repealed.

25 **SECTION 5. Act subject to petition - effective date -**
26 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
27 following the expiration of the ninety-day period after final adjournment

1 of the general assembly (August 11, 2010, if adjournment sine die is on
2 May 12, 2010); except that, if a referendum petition is filed pursuant to
3 section 1 (3) of article V of the state constitution against this act or an
4 item, section, or part of this act within such period, then the act, item,
5 section, or part shall not take effect unless approved by the people at the
6 general election to be held in November 2010 and shall take effect on the
7 date of the official declaration of the vote thereon by the governor.

8 (2) The provisions of this act shall apply to offenses committed on
9 or after the applicable effective date of this act.