

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0833.01 Michael Dohr x4347

HOUSE BILL 14-1266

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HOUSE SPONSORSHIP

McCann and Gardner,

SENATE SPONSORSHIP

Newell and King,

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE PENALTIES FOR CERTAIN VALUE-BASED OFFENSES.

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/bills/summaries>.)*

Recently the penalties for theft changed based on the value of the loss. The bill changes the penalties for criminal mischief, fraud by check, defrauding a secured creditor, and unauthorized use of a financial transaction device and computer crime. The changes create new threshold loss levels for a full range of penalties from a class 2 felony down to a petty offense or a low level misdemeanor.

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.*

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

2           **SECTION 1.** In Colorado Revised Statutes, 18-4-501, **amend** (1);  
3 and **add** (4) as follows:

4           **18-4-501. Criminal mischief.** (1) A person ~~who~~ COMMITS  
5 CRIMINAL MISCHIEF WHEN HE OR SHE knowingly damages the real or  
6 personal property of one or more other persons, including property owned  
7 by the person jointly with another person or property owned by the person  
8 in which another person has a possessory or proprietary interest, in the  
9 course of a single criminal episode. ~~commits a class 2 misdemeanor~~  
10 ~~where the aggregate damage to the real or personal property is less than~~  
11 ~~five hundred dollars. Where the aggregate damage to the real or personal~~  
12 ~~property is five hundred dollars or more but less than one thousand~~  
13 ~~dollars, the person commits a class 1 misdemeanor. Where the aggregate~~  
14 ~~damage to the real or personal property is one thousand dollars or more~~  
15 ~~but less than twenty thousand dollars, the person commits a class 4~~  
16 ~~felony. Where the aggregate damage to the real or personal property is~~  
17 ~~twenty thousand dollars or more, the person commits a class 3 felony.~~

18           (4) CRIMINAL MISCHIEF IS:

19           (a) A CLASS 3 MISDEMEANOR WHEN THE AGGREGATE DAMAGE TO  
20 THE REAL OR PERSONAL PROPERTY IS LESS THAN THREE HUNDRED  
21 DOLLARS;

22           (b) A CLASS 2 MISDEMEANOR WHEN THE AGGREGATE DAMAGE TO  
23 THE REAL OR PERSONAL PROPERTY IS THREE HUNDRED DOLLARS OR MORE  
24 BUT LESS THAN SEVEN HUNDRED FIFTY DOLLARS;

25           (c) A CLASS 1 MISDEMEANOR WHEN THE AGGREGATE DAMAGE TO  
26 THE REAL OR PERSONAL PROPERTY IS SEVEN HUNDRED FIFTY DOLLARS OR

1 MORE BUT LESS THAN ONE THOUSAND DOLLARS;

2 (d) A CLASS 6 FELONY WHEN THE AGGREGATE DAMAGE TO THE  
3 REAL OR PERSONAL PROPERTY IS ONE THOUSAND DOLLARS OR MORE BUT  
4 LESS THAN FIVE THOUSAND DOLLARS;

5 (e) A CLASS 5 FELONY WHEN THE AGGREGATE DAMAGE TO THE  
6 REAL OR PERSONAL PROPERTY IS FIVE THOUSAND DOLLARS OR MORE BUT  
7 LESS THAN TWENTY THOUSAND DOLLARS;

8 (f) A CLASS 4 FELONY WHEN THE AGGREGATE DAMAGE TO THE  
9 REAL OR PERSONAL PROPERTY IS TWENTY THOUSAND DOLLARS OR MORE  
10 BUT LESS THAN ONE HUNDRED THOUSAND DOLLARS;

11 (g) A CLASS 3 FELONY WHEN THE AGGREGATE DAMAGE TO THE  
12 REAL OR PERSONAL PROPERTY IS ONE HUNDRED THOUSAND DOLLARS OR  
13 MORE BUT LESS THAN ONE MILLION DOLLARS; AND

14 (h) A CLASS 2 FELONY WHEN THE AGGREGATE DAMAGE TO THE  
15 REAL OR PERSONAL PROPERTY IS ONE MILLION DOLLARS OR MORE.

16 **SECTION 2.** In Colorado Revised Statutes, 18-5-205, **amend** (3)  
17 as follows:

18 **18-5-205. Fraud by check - definitions - penalties.** (3) Fraud by  
19 check is:

20 (a) (Deleted by amendment, L. 2007, p. 1693, § 8, effective July  
21 1, 2007.)

22 (a.5) A CLASS 1 PETTY OFFENSE IF THE FRAUDULENT CHECK WAS  
23 FOR THE SUM OF LESS THAN FIFTY DOLLARS OR IF THE OFFENDER IS  
24 CONVICTED OF FRAUD BY CHECK INVOLVING THE ISSUANCE OF TWO OR  
25 MORE CHECKS WITHIN A SIXTY-DAY PERIOD IN THE STATE OF COLORADO  
26 TOTALING LESS THAN FIFTY DOLLARS IN THE AGGREGATE;

27 (b) A class 2 misdemeanor if the fraudulent check was for the sum

1 of ~~less than five~~ THREE hundred dollars or MORE BUT LESS THAN SEVEN  
2 HUNDRED FIFTY DOLLARS OR if the offender is convicted of fraud by  
3 check involving the issuance of two or more checks within a sixty-day  
4 period in the state of Colorado totaling ~~less than five~~ THREE hundred  
5 dollars OR MORE BUT LESS THAN SEVEN HUNDRED FIFTY DOLLARS in the  
6 aggregate; ~~A class 3 misdemeanor if the fraudulent check was for the sum~~  
7 ~~of fifty dollars or more but less than three hundred dollars or if the~~  
8 ~~offender is convicted of fraud by check involving the issuance of two or~~  
9 ~~more checks within a sixty-day period in the state of Colorado totaling~~  
10 ~~fifty dollars or more but less than three hundred dollars in the aggregate;~~

11 (b.5) ~~A class 1 misdemeanor if the fraudulent check was for the~~  
12 ~~sum of five hundred dollars or more but less than one thousand dollars or~~  
13 ~~if the offender is convicted of fraud by check involving the issuance of~~  
14 ~~two or more checks within a sixty-day period in the state of Colorado~~  
15 ~~totaling five hundred dollars or more but less than one thousand dollars~~  
16 ~~in the aggregate;~~

17 (c) A class ~~6 felony~~ 1 MISDEMEANOR if the fraudulent check was  
18 for the sum of ~~one thousand~~ SEVEN HUNDRED FIFTY dollars or more BUT  
19 LESS THAN TWO THOUSAND DOLLARS or if the offender is convicted of  
20 fraud by check involving the issuance of two or more checks within a  
21 sixty-day period in the state of Colorado totaling ~~one thousand~~ SEVEN  
22 HUNDRED FIFTY dollars or more BUT LESS THAN TWO THOUSAND DOLLARS  
23 in the aggregate; ~~or if the offender has been twice previously convicted~~  
24 ~~under this section or a former statute of this state of similar content and~~  
25 ~~purport;~~

26 (d) A CLASS 6 FELONY IF THE FRAUDULENT CHECK WAS FOR THE  
27 SUM OF TWO THOUSAND DOLLARS OR MORE OR IF THE OFFENDER IS

1 CONVICTED OF FRAUD BY CHECK INVOLVING THE ISSUANCE OF TWO OR  
2 MORE CHECKS WITHIN A SIXTY-DAY PERIOD IN THE STATE OF COLORADO  
3 TOTALING TWO THOUSAND DOLLARS OR MORE IN THE AGGREGATE;

4 ~~(d)~~ (e) A class 6 felony if the fraudulent check was drawn on an  
5 account which did not exist or which has been closed for a period of thirty  
6 days or more prior to the issuance of said check.

7 **SECTION 3.** In Colorado Revised Statutes, 18-5-206, **amend** (1)  
8 and (2) as follows:

9 **18-5-206. Defrauding a secured creditor or debtor.** (1) If a  
10 person, with intent to defraud a creditor by defeating, impairing, or  
11 rendering worthless or unenforceable any security interest, sells, assigns,  
12 transfers, conveys, pledges, encumbers, conceals, destroys, or disposes of  
13 any collateral subject to a security interest, THE PERSON COMMITS:

14 (a) (Deleted by amendment, L. 2007, p. 1694, § 9, effective July  
15 1, 2007.)

16 (b) ~~The person commits a class 2 misdemeanor if the value of the~~  
17 ~~collateral is less than five hundred dollars~~ A CLASS 1 PETTY OFFENSE IF  
18 THE VALUE OF THE COLLATERAL IS LESS THAN FIFTY DOLLARS;

19 (b.5) ~~The person commits a class 1 misdemeanor if the value of~~  
20 ~~the collateral is five hundred dollars or more but less than one thousand~~  
21 ~~dollars;~~

22 (c) ~~The person commits a class 5 felony if the value of the~~  
23 ~~collateral is one thousand dollars or more but less than twenty thousand~~  
24 ~~dollars; and~~ A CLASS 3 MISDEMEANOR IF THE VALUE OF THE COLLATERAL  
25 IS FIFTY DOLLARS OR MORE BUT LESS THAN THREE HUNDRED DOLLARS;

26 (d) ~~The person commits a class 3 felony if the value of the~~  
27 ~~collateral is twenty thousand dollars or more.~~ A CLASS 2 MISDEMEANOR

1 IF THE VALUE OF THE COLLATERAL IS THREE HUNDRED DOLLARS OR MORE  
2 BUT LESS THAN SEVEN HUNDRED FIFTY DOLLARS;

3 (e) A CLASS 1 MISDEMEANOR IF THE VALUE OF THE COLLATERAL  
4 IS SEVEN HUNDRED FIFTY DOLLARS OR MORE BUT LESS THAN ONE  
5 THOUSAND DOLLARS;

6 (f) A CLASS 6 FELONY IF THE VALUE OF THE COLLATERAL IS ONE  
7 THOUSAND DOLLARS OR MORE BUT LESS THAN FIVE THOUSAND DOLLARS;

8 (g) A CLASS 5 FELONY IF THE VALUE OF THE COLLATERAL IS FIVE  
9 THOUSAND DOLLARS OR MORE BUT LESS THAN TWENTY THOUSAND  
10 DOLLARS;

11 (h) A CLASS 4 FELONY IF THE VALUE OF THE COLLATERAL IS  
12 TWENTY THOUSAND DOLLARS OR MORE BUT LESS THAN ONE HUNDRED  
13 THOUSAND DOLLARS;

14 (i) A CLASS 3 FELONY IF THE VALUE OF THE COLLATERAL IS ONE  
15 HUNDRED THOUSAND DOLLARS OR MORE BUT LESS THAN ONE MILLION  
16 DOLLARS; AND

17 (j) A CLASS 2 FELONY IF THE VALUE OF THE COLLATERAL IS ONE  
18 MILLION DOLLARS OR MORE.

19 (2) If a creditor, with intent to defraud a debtor, sells, assigns,  
20 transfers, conveys, pledges, buys, or encumbers a promissory note or  
21 contract signed by the debtor, THE CREDITOR COMMITS:

22 (a) (Deleted by amendment, L. 2007, p. 1694, § 9, effective July  
23 1, 2007.)

24 (b) ~~The creditor commits a class 2 misdemeanor if the amount~~  
25 ~~owing on the note or contract is less than five hundred dollars~~ A CLASS 1  
26 PETTY OFFENSE IF THE AMOUNT OWING ON THE NOTE OR CONTRACT IS LESS  
27 THAN FIFTY DOLLARS;

1           (b.5) ~~The creditor commits a class 1 misdemeanor if the amount~~  
2 ~~owing on the note or contract is five hundred dollars or more but less than~~  
3 ~~one thousand dollars;~~

4           (c) ~~The creditor commits a class 5 felony if the amount owing on~~  
5 ~~the note or contract is one thousand dollars or more but less than twenty~~  
6 ~~thousand dollars; and A CLASS 3 MISDEMEANOR IF THE AMOUNT OWING ON~~  
7 ~~THE NOTE OR CONTRACT IS FIFTY DOLLARS OR MORE BUT LESS THAN THREE~~  
8 ~~HUNDRED DOLLARS;~~

9           (d) ~~The creditor commits a class 3 felony if the amount owing on~~  
10 ~~the note or contract is twenty thousand dollars or more. A CLASS 2~~  
11 ~~MISDEMEANOR IF THE AMOUNT OWING ON THE NOTE OR CONTRACT IS~~  
12 ~~THREE HUNDRED DOLLARS OR MORE BUT LESS THAN SEVEN HUNDRED~~  
13 ~~FIFTY DOLLARS;~~

14           (e) A CLASS 1 MISDEMEANOR IF THE AMOUNT OWING ON THE NOTE  
15 OR CONTRACT IS SEVEN HUNDRED FIFTY DOLLARS OR MORE BUT LESS THAN  
16 ONE THOUSAND DOLLARS;

17           (f) A CLASS 6 FELONY IF THE AMOUNT OWING ON THE NOTE OR  
18 CONTRACT IS ONE THOUSAND DOLLARS OR MORE BUT LESS THAN FIVE  
19 THOUSAND DOLLARS;

20           (g) A CLASS 5 FELONY IF THE AMOUNT OWING ON THE NOTE OR  
21 CONTRACT IS FIVE THOUSAND DOLLARS OR MORE BUT LESS THAN TWENTY  
22 THOUSAND DOLLARS;

23           (h) A CLASS 4 FELONY IF THE AMOUNT OWING ON THE NOTE OR  
24 CONTRACT IS TWENTY THOUSAND DOLLARS OR MORE BUT LESS THAN ONE  
25 HUNDRED THOUSAND DOLLARS;

26           (i) A CLASS 3 FELONY IF THE AMOUNT OWING ON THE NOTE OR  
27 CONTRACT IS ONE HUNDRED THOUSAND DOLLARS OR MORE BUT LESS THAN

1 ONE MILLION DOLLARS; AND

2 (j) A CLASS 2 FELONY IF THE AMOUNT OWING ON THE NOTE OR  
3 CONTRACT IS ONE MILLION DOLLARS OR MORE.

4 **SECTION 4.** In Colorado Revised Statutes, 18-5-702, **amend** (3)  
5 as follows:

6 **18-5-702. Unauthorized use of a financial transaction device.**

7 (3) Unauthorized use of a financial transaction device is:

8 (a) (Deleted by amendment, L. 2007, p. 1695, § 13, effective July  
9 1, 2007.)

10 (b) ~~A class 1 misdemeanor if the value of the cash, credit,~~  
11 ~~property, or services obtained or of the financial payments made is less~~  
12 ~~than one thousand dollars~~ A CLASS 1 PETTY OFFENSE IF THE VALUE OF THE  
13 CASH, CREDIT, PROPERTY, OR SERVICES OBTAINED OR OF THE FINANCIAL  
14 PAYMENTS MADE IS LESS THAN FIFTY DOLLARS;

15 (c) ~~A class 5 felony if the value of the cash, credit, property, or~~  
16 ~~services obtained or of the financial payments made is one thousand~~  
17 ~~dollars or more but less than twenty thousand dollars~~ A CLASS 3  
18 MISDEMEANOR IF THE VALUE OF THE CASH, CREDIT, PROPERTY, OR  
19 SERVICES OBTAINED OR OF THE FINANCIAL PAYMENTS MADE IS FIFTY  
20 DOLLARS OR MORE BUT LESS THAN THREE HUNDRED DOLLARS;

21 (d) ~~A class 3 felony if the value of the cash, credit, property, or~~  
22 ~~services obtained or of the financial payments made is twenty thousand~~  
23 ~~dollars or more.~~ A CLASS 2 MISDEMEANOR IF THE VALUE OF THE CASH,  
24 CREDIT, PROPERTY, OR SERVICES OBTAINED OR OF THE FINANCIAL  
25 PAYMENTS MADE IS THREE HUNDRED DOLLARS OR MORE BUT LESS THAN  
26 SEVEN HUNDRED FIFTY DOLLARS;

27 (e) A CLASS 1 MISDEMEANOR IF THE VALUE OF THE CASH, CREDIT,



1 PROPERTY, OR SERVICES OBTAINED OR OF THE FINANCIAL PAYMENTS MADE  
2 IS SEVEN HUNDRED FIFTY DOLLARS OR MORE BUT LESS THAN ONE  
3 THOUSAND DOLLARS;

4 (f) A CLASS 6 FELONY IF THE VALUE OF THE CASH, CREDIT,  
5 PROPERTY, OR SERVICES OBTAINED OR OF THE FINANCIAL PAYMENTS MADE  
6 IS ONE THOUSAND DOLLARS OR MORE BUT LESS THAN FIVE THOUSAND  
7 DOLLARS;

8 (g) A CLASS 5 FELONY IF THE VALUE OF THE CASH, CREDIT,  
9 PROPERTY, OR SERVICES OBTAINED OR OF THE FINANCIAL PAYMENTS MADE  
10 IS FIVE THOUSAND DOLLARS OR MORE BUT LESS THAN TWENTY THOUSAND  
11 DOLLARS;

12 (h) A CLASS 4 FELONY IF THE VALUE OF THE CASH, CREDIT,  
13 PROPERTY, OR SERVICES OBTAINED OR OF THE FINANCIAL PAYMENTS MADE  
14 IS TWENTY THOUSAND DOLLARS OR MORE BUT LESS THAN ONE HUNDRED  
15 THOUSAND DOLLARS;

16 (i) A CLASS 3 FELONY IF THE VALUE OF THE CASH, CREDIT,  
17 PROPERTY, OR SERVICES OBTAINED OR OF THE FINANCIAL PAYMENTS MADE  
18 IS ONE HUNDRED THOUSAND DOLLARS OR MORE BUT LESS THAN ONE  
19 MILLION DOLLARS; AND

20 (j) A CLASS 2 FELONY IF THE VALUE OF THE CASH, CREDIT,  
21 PROPERTY, OR SERVICES OBTAINED OR OF THE FINANCIAL PAYMENTS MADE  
22 IS ONE MILLION DOLLARS OR MORE.

23 **SECTION 5.** In Colorado Revised Statutes, 18-5.5-102, **amend**  
24 (3) (a) as follows:

25 **18-5.5-102. Computer crime.** (3) (a) Except as provided in  
26 paragraphs (b) and (c) of this subsection (3), if the loss, damage, value of  
27 services, or thing of value taken, or cost of restoration or repair caused by

1 a violation of this section is: ~~less than five hundred dollars, computer~~  
2 ~~crime is a class 2 misdemeanor; if five hundred dollars or more but less~~  
3 ~~than one thousand dollars, computer crime is a class 1 misdemeanor; if~~  
4 ~~one thousand dollars or more but less than twenty thousand dollars,~~  
5 ~~computer crime is a class 4 felony; if twenty thousand dollars or more,~~  
6 ~~computer crime is a class 3 felony.~~

7 (I) LESS THAN FIFTY DOLLARS, COMPUTER CRIME IS A CLASS 1  
8 PETTY OFFENSE;

9 (II) FIFTY DOLLARS OR MORE BUT LESS THAN THREE HUNDRED  
10 DOLLARS, COMPUTER CRIME IS A CLASS 3 MISDEMEANOR;

11 (III) THREE HUNDRED DOLLARS OR MORE BUT LESS THAN SEVEN  
12 HUNDRED FIFTY DOLLARS, COMPUTER CRIME IS A CLASS 2 MISDEMEANOR;

13 (IV) SEVEN HUNDRED FIFTY DOLLARS OR MORE BUT LESS THAN  
14 TWO THOUSAND DOLLARS, COMPUTER CRIME IS A CLASS 1 MISDEMEANOR;

15 (V) TWO THOUSAND DOLLARS OR MORE BUT LESS THAN FIVE  
16 THOUSAND DOLLARS, COMPUTER CRIME IS A CLASS 6 FELONY;

17 (VI) FIVE THOUSAND DOLLARS OR MORE BUT LESS THAN TWENTY  
18 THOUSAND DOLLARS, COMPUTER CRIME IS A CLASS 5 FELONY;

19 (VII) TWENTY THOUSAND DOLLARS OR MORE BUT LESS THAN ONE  
20 HUNDRED THOUSAND DOLLARS, COMPUTER CRIME IS A CLASS 4 FELONY;

21 (VIII) ONE HUNDRED THOUSAND DOLLARS OR MORE BUT LESS  
22 THAN ONE MILLION DOLLARS, COMPUTER CRIME IS A CLASS 3 FELONY; AND

23 (IX) ONE MILLION DOLLARS OR MORE, COMPUTER CRIME IS A  
24 CLASS 2 FELONY.

25 **SECTION 6. Act subject to petition - effective date -**  
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 6, 2014, if adjournment sine die is on May 7,  
2 2014); except that, if a referendum petition is filed pursuant to section 1  
3 (3) of article V of the state constitution against this act or an item, section,  
4 or part of this act within such period, then the act, item, section, or part  
5 will not take effect unless approved by the people at the general election  
6 to be held in November 2014 and, in such case, will take effect on the  
7 date of the official declaration of the vote thereon by the governor.

8 (2) This act applies to offenses committed on or after the  
9 applicable effective date of this act.