

**Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 06-0792.01 Michael Dohr

HOUSE BILL 06-1326

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A BILL FOR AN ACT

101 **CONCERNING IDENTITY THEFT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Repeals the following crimes:

Unlawful possession of personal identifying information;
Theft of personal identifying information; and
Sale or possession for sale of a financial transaction device.

Reorganizes the statutes pertaining to identity theft and related offenses. Creates new crimes of identity theft, criminal possession of a financial device, and possession of identity theft tools. Allows a charge of identity theft to be tried in the county where an act occurred, in any county where an act in furtherance of the offense is committed, or in the

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.

county where the victim resides. Adds certain identity crimes to the list of crimes under the "Colorado Organized Crime Control Act".

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

2 **SECTION 1.** 18-1-202, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **18-1-202. Place of trial.** (13) IF A PERSON COMMITS IDENTITY
5 THEFT AS DESCRIBED IN SECTION 18-5-902, IDENTITY THEFT IS COMMITTED
6 AND THE OFFENDER MAY BE TRIED IN ANY COUNTY WHERE A PROHIBITED
7 ACT WAS COMMITTED, IN ANY COUNTY WHERE AN ACT IN FURTHERANCE
8 OF THE OFFENSE WAS COMMITTED, OR IN ANY COUNTY WHERE THE VICTIM
9 RESIDES DURING ALL OR PART OF THE OFFENSE. FOR PURPOSES OF THIS
10 SUBSECTION (13), A BUSINESS ENTITY RESIDES IN ANY COUNTY IN WHICH
11 IT MAINTAINS A PHYSICAL LOCATION.

12 **SECTION 2.** 18-1-202 (7) (b) (II), Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to
14 read:

15 **18-1-202. Place of trial.** (7) (b) (II) The provisions of
16 subparagraph (I) of this paragraph (b) shall apply to the following
17 offenses:

18 (W) IDENTITY THEFT, AS DEFINED IN SECTION 18-5-902.

19 **SECTION 3. Repeal.** 18-5-117, Colorado Revised Statutes, is
20 repealed as follows:

21 **18-5-117. Unlawful possession of personal identifying**
22 **information.** ~~(1) A person shall not possess the personal identifying~~
23 ~~information of another person with the intent to use the information, or~~
24 ~~to aid or permit another to use the information, to unlawfully gain a~~
25 ~~benefit for himself or herself or another person, or to injure or defraud~~

1 another person.

2 (2) Unlawful possession of personal identifying information is a
3 class 1 misdemeanor.

4 (3) ~~As used in this section, "personal identifying information"~~
5 ~~shall have the same meaning as provided in section 6-1-713 (2), C.R.S.,~~
6 ~~but shall not include a financial transaction device as defined in section~~
7 ~~18-5-701 (3).~~

8 **SECTION 4. Repeal.** 18-5-119, Colorado Revised Statutes, is
9 repealed as follows:

10 **18-5-119. Theft of personal identifying information.** ~~(1)(a) A~~
11 ~~person who, with the intent to defraud another person of personal~~
12 ~~identifying information, unlawfully enters a trash receptacle and takes~~
13 ~~documents from that trash receptacle commits theft of personal~~
14 ~~identifying information.~~

15 ~~(b) For purposes of this section, "personal identifying~~
16 ~~information" shall have the same meaning as provided in section 6-1-713~~
17 ~~(2), C.R.S.; except that "personal identifying information" shall not~~
18 ~~include a financial transaction device, as defined in section 18-5-701 (3).~~

19 ~~(2) Theft of personal identifying information is a class 1~~
20 ~~misdemeanor.~~

21 **SECTION 5. Repeal.** 18-5-120, Colorado Revised Statutes, is
22 repealed as follows:

23 **18-5-120. Gathering personal information by deception.**
24 ~~(1)(a) A person commits gathering personal information by deception if,~~
25 ~~without permission or lawful authority, he or she knowingly makes or~~
26 ~~conveys a materially false statement over a computer or computer~~
27 ~~network, over the telephone, or by any other electronic medium with the~~

1 intent to obtain, record, or access the personal identifying information of
2 another.

3 ~~(b) For purposes of this section, "personal identifying~~
4 ~~information" shall have the same meaning as provided in section 6-1-713~~
5 ~~(2), C.R.S.; except that "personal identifying information" shall not~~
6 ~~include a financial transaction device, as defined in section 18-5-701 (3).~~

7 ~~(2) Gathering personal information by deception is a class 1~~
8 ~~misdemeanor.~~

9 **SECTION 6. Repeal.** 18-5-703, Colorado Revised Statutes, is
10 repealed as follows:

11 **18-5-703. Criminal possession of a financial transaction**
12 **device.** ~~(1) A person commits criminal possession of a financial~~
13 ~~transaction device if he has in his possession or under his control any~~
14 ~~financial transaction device, with the intent to defraud, or any financial~~
15 ~~transaction device which he knows or reasonably should know to be lost,~~
16 ~~stolen, or delivered under a mistake as to the identity or address of the~~
17 ~~account holder.~~

18 ~~(2) Criminal possession of one financial transaction device is a~~
19 ~~class 1 misdemeanor.~~

20 ~~(3) Criminal possession of two or more financial transaction~~
21 ~~devices is a class 6 felony.~~

22 ~~(4) Criminal possession of four or more financial transaction~~
23 ~~devices issued to different account holders is a class 5 felony.~~

24 **SECTION 7. Repeal.** 18-5-704, Colorado Revised Statutes, is
25 repealed as follows:

26 **18-5-704. Sale or possession for sale of a financial transaction**
27 **device.** ~~(1) A person commits a class 5 felony if, with intent to defraud,~~

1 ~~he sells, or has in his possession or under his control with the intent to~~
2 ~~deliver, circulate, or sell, any financial transaction device which he knows~~
3 ~~or reasonably should know to be lost, delivered under a mistake as to the~~
4 ~~identity or address of the account holder, stolen, forged, altered, or~~
5 ~~counterfeited.~~

6 (2) ~~A person commits a class 3 felony if, with intent to defraud,~~
7 ~~he sells, or has in his possession or under his control with the intent to~~
8 ~~deliver, circulate, or sell, two or more financial transaction devices which~~
9 ~~he knows or reasonably should know to be lost, delivered under a mistake~~
10 ~~as to the identity or address of the account holder, stolen, forged, altered,~~
11 ~~or counterfeited.~~

12 **SECTION 8.** Article 5 of title 18, Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PART to read:

14 **PART 9**

15 **IDENTITY THEFT AND RELATED OFFENSES**

16 **18-5-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "ACCOUNT HOLDER" MEANS ANY PERSON OR BUSINESS ENTITY
19 NAMED ON OR ASSOCIATED WITH THE ACCOUNT OR NAMED ON THE FACE
20 OF A FINANCIAL DEVICE TO WHOM OR FOR WHOSE BENEFIT THE FINANCIAL
21 DEVICE IS ISSUED BY AN ISSUER.

22 (2) "EXTENSION OF CREDIT" MEANS ANY LOAN OR AGREEMENT,
23 EXPRESS OR IMPLIED, WHEREBY THE REPAYMENT OR SATISFACTION OF ANY
24 DEBT OR CLAIM, WHETHER ACKNOWLEDGED OR DISPUTED, VALID OR
25 INVALID, AND HOWEVER ARISING, MAY OR WILL BE DEFERRED.

26 (3) TO "FALSELY ALTER" A WRITTEN INSTRUMENT OR FINANCIAL
27 DEVICE MEANS TO CHANGE A WRITTEN INSTRUMENT OR FINANCIAL DEVICE

1 WITHOUT THE AUTHORITY OF ANYONE ENTITLED TO GRANT SUCH
2 AUTHORITY, WHETHER IT BE IN COMPLETE OR INCOMPLETE FORM, BY
3 MEANS OF ERASURE, OBLITERATION, DELETION, INSERTION OF NEW
4 MATTER, TRANSPOSITION OF MATTER, OR ANY OTHER MEANS, SO THAT THE
5 WRITTEN INSTRUMENT OR FINANCIAL DEVICE IN ITS THUS ALTERED FORM
6 FALSELY APPEARS OR PURPORTS TO BE IN ALL RESPECTS AN AUTHENTIC
7 CREATION OF OR FULLY AUTHORIZED BY ITS OSTENSIBLE MAKER.

8 (4) TO "FALSELY COMPLETE" A WRITTEN INSTRUMENT OR
9 FINANCIAL DEVICE MEANS:

10 (a) TO TRANSFORM AN INCOMPLETE WRITTEN INSTRUMENT OR
11 FINANCIAL DEVICE INTO A COMPLETE ONE BY ADDING, INSERTING, OR
12 CHANGING MATTER WITHOUT THE AUTHORITY OF ANYONE ENTITLED TO
13 GRANT THAT AUTHORITY, SO THAT THE COMPLETE WRITTEN INSTRUMENT
14 OR FINANCIAL DEVICE FALSELY APPEARS OR PURPORTS TO BE IN ALL
15 RESPECTS AN AUTHENTIC CREATION OF OR FULLY AUTHORIZED BY ITS
16 OSTENSIBLE MAKER; OR

17 (b) TO TRANSFORM AN INCOMPLETE WRITTEN INSTRUMENT OR
18 FINANCIAL DEVICE INTO A COMPLETE ONE BY ADDING OR INSERTING
19 MATERIALLY FALSE INFORMATION OR ADDING OR INSERTING A
20 MATERIALLY FALSE STATEMENT. A MATERIALLY FALSE STATEMENT IS A
21 FALSE ASSERTION THAT AFFECTS THE ACTION, CONDUCT, OR DECISION OF
22 THE PERSON WHO RECEIVES OR IS INTENDED TO RECEIVE THE ASSERTED
23 INFORMATION IN A MANNER THAT DIRECTLY OR INDIRECTLY BENEFITS THE
24 PERSON MAKING THE ASSERTION.

25 (5) TO "FALSELY MAKE" A WRITTEN INSTRUMENT OR FINANCIAL
26 DEVICE MEANS TO MAKE OR DRAW A WRITTEN INSTRUMENT OR FINANCIAL
27 DEVICE, WHETHER IT BE IN COMPLETE OR INCOMPLETE FORM, THAT

1 PURPORTS TO BE AN AUTHENTIC CREATION OF ITS OSTENSIBLE MAKER, BUT
2 THAT IS NOT, EITHER BECAUSE THE OSTENSIBLE MAKER IS FICTITIOUS OR
3 BECAUSE, IF REAL, THE OSTENSIBLE MAKER DID NOT AUTHORIZE THE
4 MAKING OR THE DRAWING OF THE WRITTEN INSTRUMENT OR FINANCIAL
5 DEVICE.

6 (6) "FINANCIAL DEVICE" MEANS ANY INSTRUMENT OR DEVICE
7 THAT CAN BE USED TO OBTAIN CASH, CREDIT, PROPERTY, SERVICES, OR
8 ANY OTHER THING OF VALUE OR TO MAKE FINANCIAL PAYMENTS,
9 INCLUDING BUT NOT LIMITED TO:

10 (a) A CREDIT CARD, BANKING CARD, DEBIT CARD, ELECTRONIC
11 FUND TRANSFER CARD, OR GUARANTEED CHECK CARD;

12 (b) A CHECK;

13 (c) A NEGOTIABLE ORDER OF WITHDRAWAL;

14 (d) A SHARE DRAFT; OR

15 (e) A MONEY ORDER.

16 (7) "FINANCIAL IDENTIFYING INFORMATION" MEANS ANY OF THE
17 FOLLOWING THAT CAN BE USED, ALONE OR IN CONJUNCTION WITH ANY
18 OTHER INFORMATION, TO OBTAIN CASH, CREDIT, PROPERTY, SERVICES, OR
19 ANY OTHER THING OF VALUE OR TO MAKE A FINANCIAL PAYMENT:

20 (a) A PERSONAL IDENTIFICATION NUMBER, CREDIT CARD NUMBER,
21 BANKING CARD NUMBER, CHECKING ACCOUNT NUMBER, DEBIT CARD
22 NUMBER, ELECTRONIC FUND TRANSFER CARD NUMBER, GUARANTEED
23 CHECK CARD NUMBER, OR ROUTING NUMBER; OR

24 (b) A NUMBER REPRESENTING A FINANCIAL ACCOUNT OR A
25 NUMBER AFFECTING THE FINANCIAL INTEREST, STANDING, OR OBLIGATION
26 OF OR TO THE ACCOUNT HOLDER.

27 (8) "GOVERNMENT" MEANS:

1 (a) THE UNITED STATES AND ITS DEPARTMENTS, AGENCIES, OR
2 SUBDIVISIONS;

3 (b) A STATE, COUNTY, MUNICIPALITY, OR OTHER POLITICAL UNIT
4 AND ITS DEPARTMENTS, AGENCIES, OR SUBDIVISIONS; AND

5 (c) A CORPORATION OR OTHER ENTITY ESTABLISHED BY LAW TO
6 CARRY OUT GOVERNMENTAL FUNCTIONS.

7 (9) "ISSUER" MEANS A PERSON, A BANKING, FINANCIAL, OR
8 BUSINESS INSTITUTION, OR A CORPORATION OR OTHER BUSINESS ENTITY
9 THAT ASSIGNS FINANCIAL RIGHTS BY ACQUIRING, DISTRIBUTING,
10 CONTROLLING, OR CANCELLING AN ACCOUNT OR A FINANCIAL DEVICE.

11 (10) "NUMBER" INCLUDES, WITHOUT LIMITATION, ANY GROUPING
12 OR COMBINATION OF LETTERS, NUMBERS, OR SYMBOLS.

13 (11) "OF ANOTHER" MEANS THAT OF A NATURAL PERSON, LIVING
14 OR DEAD, OR A BUSINESS ENTITY AS DEFINED IN SECTION 16-3-301.1 (11)
15 (b), C.R.S.

16 (12) "PERSONAL IDENTIFICATION NUMBER" MEANS A NUMBER
17 ASSIGNED TO AN ACCOUNT HOLDER BY AN ISSUER TO PERMIT AUTHORIZED
18 USE OF AN ACCOUNT OR FINANCIAL DEVICE.

19 (13) "PERSONAL IDENTIFYING INFORMATION" MEANS
20 INFORMATION THAT MAY BE USED, ALONE OR IN CONJUNCTION WITH ANY
21 OTHER INFORMATION, TO IDENTIFY A SPECIFIC INDIVIDUAL, INCLUDING BUT
22 NOT LIMITED TO A NAME; A DATE OF BIRTH; A SOCIAL SECURITY NUMBER;
23 A PASSWORD; A PASS CODE; AN OFFICIAL, GOVERNMENT-ISSUED DRIVER'S
24 LICENSE OR IDENTIFICATION CARD NUMBER; A GOVERNMENT PASSPORT
25 NUMBER; BIOMETRIC DATA; OR AN EMPLOYER, STUDENT, OR MILITARY
26 IDENTIFICATION NUMBER.

27 (14) "UTTER" MEANS TO TRANSFER, PASS, OR DELIVER, OR TO

1 ATTEMPT OR CAUSE TO BE TRANSFERRED, PASSED, OR DELIVERED, TO
2 ANOTHER PERSON A WRITTEN INSTRUMENT OR FINANCIAL DEVICE,
3 ARTICLE, OR THING.

4 (15) "WRITTEN INSTRUMENT" MEANS A PAPER, DOCUMENT, OR
5 OTHER INSTRUMENT CONTAINING WRITTEN OR PRINTED MATTER OR THE
6 EQUIVALENT THEREOF, USED FOR PURPOSES OF RECITING, EMBODYING,
7 CONVEYING, OR RECORDING INFORMATION, AND ANY MONEY, TOKEN,
8 STAMP, SEAL, BADGE, OR TRADEMARK OR ANY EVIDENCE OR SYMBOL OF
9 VALUE, RIGHT, PRIVILEGE, OR IDENTIFICATION, THAT IS CAPABLE OF BEING
10 USED TO THE ADVANTAGE OR DISADVANTAGE OF A PERSON.

11 **18-5-902. Identity theft.** (1) A PERSON COMMITS IDENTITY
12 THEFT IF HE OR SHE:

13 (a) KNOWINGLY USES THE PERSONAL IDENTIFYING INFORMATION,
14 FINANCIAL IDENTIFYING INFORMATION, OR FINANCIAL DEVICE OF ANOTHER
15 WITHOUT PERMISSION OR LAWFUL AUTHORITY TO OBTAIN CASH, CREDIT,
16 PROPERTY, SERVICES, OR ANY OTHER THING OF VALUE OR TO MAKE A
17 FINANCIAL PAYMENT;

18 (b) KNOWINGLY POSSESSES THE PERSONAL IDENTIFYING
19 INFORMATION, FINANCIAL IDENTIFYING INFORMATION, OR FINANCIAL
20 DEVICE OF ANOTHER WITHOUT PERMISSION OR LAWFUL AUTHORITY, WITH
21 THE INTENT TO USE OR TO AID OR PERMIT SOME OTHER PERSON TO USE
22 SUCH INFORMATION OR DEVICE TO OBTAIN CASH, CREDIT, PROPERTY,
23 SERVICES, OR ANY OTHER THING OF VALUE OR TO MAKE A FINANCIAL
24 PAYMENT;

25 (c) WITH THE INTENT TO DEFRAUD, FALSELY MAKES, COMPLETES,
26 ALTERS, OR UTTERS A WRITTEN INSTRUMENT OR FINANCIAL DEVICE
27 CONTAINING ANY PERSONAL IDENTIFYING INFORMATION OR FINANCIAL

1 IDENTIFYING INFORMATION OF ANOTHER;

2 (d) KNOWINGLY POSSESSES THE PERSONAL IDENTIFYING
3 INFORMATION OR FINANCIAL IDENTIFYING INFORMATION OF ANOTHER
4 WITHOUT PERMISSION OR LAWFUL AUTHORITY TO USE IN APPLYING FOR OR
5 COMPLETING AN APPLICATION FOR A FINANCIAL DEVICE OR OTHER
6 EXTENSION OF CREDIT;

7 (e) KNOWINGLY USES OR POSSESSES THE PERSONAL IDENTIFYING
8 INFORMATION OF ANOTHER WITHOUT PERMISSION OR LAWFUL AUTHORITY
9 WITH THE INTENT TO OBTAIN A GOVERNMENT-ISSUED DOCUMENT; OR

10 (f) ATTEMPTS, CONSPIRES WITH ANOTHER, OR SOLICITS ANOTHER
11 TO COMMIT ANY OF THE ACTS SET FORTH IN PARAGRAPHS (a) TO (e) OF
12 THIS SUBSECTION (1).

13 (2) IDENTITY THEFT IS A CLASS 4 FELONY.

14 (3) THE COURT SHALL BE REQUIRED TO SENTENCE THE DEFENDANT
15 TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE
16 MINIMUM OF THE PRESUMPTIVE RANGE AND MAY SENTENCE THE
17 DEFENDANT TO A MAXIMUM OF TWICE THE PRESUMPTIVE RANGE IF:

18 (a) THE DEFENDANT IS CONVICTED OF IDENTITY THEFT; AND

19 (b) THE DEFENDANT HAS A PRIOR CONVICTION FOR A VIOLATION
20 OF THIS PART 9 OR A PRIOR CONVICTION FOR AN OFFENSE COMMITTED IN
21 ANY OTHER STATE, THE UNITED STATES, OR ANY OTHER TERRITORY
22 SUBJECT TO THE JURISDICTION OF THE UNITED STATES THAT WOULD
23 CONSTITUTE A VIOLATION OF THIS PART 9 IF COMMITTED IN THIS STATE.

24 **18-5-903. Criminal possession of a financial device.** (1) A
25 PERSON COMMITS CRIMINAL POSSESSION OF A FINANCIAL DEVICE IF THE
26 PERSON HAS IN HIS OR HER POSSESSION OR UNDER HIS OR HER CONTROL
27 ANY FINANCIAL DEVICE THAT THE PERSON KNOWS, OR REASONABLY

1 SHOULD KNOW, TO BE LOST, STOLEN, OR DELIVERED UNDER MISTAKE AS
2 TO THE IDENTITY OR ADDRESS OF THE ACCOUNT HOLDER.

3 (2) (a) CRIMINAL POSSESSION OF ONE FINANCIAL DEVICE IS A CLASS
4 1 MISDEMEANOR.

5 (b) CRIMINAL POSSESSION OF TWO OR MORE FINANCIAL DEVICES
6 IS A CLASS 6 FELONY.

7 (c) CRIMINAL POSSESSION OF FOUR OR MORE FINANCIAL DEVICES,
8 OF WHICH AT LEAST TWO ARE ISSUED TO DIFFERENT ACCOUNT HOLDERS,
9 IS A CLASS 5 FELONY.

10 **18-5-904. Gathering identity information by deception.** (1) A
11 PERSON COMMITS GATHERING IDENTITY INFORMATION BY DECEPTION IF HE
12 OR SHE KNOWINGLY MAKES OR CONVEYS A MATERIALLY FALSE
13 STATEMENT, WITHOUT PERMISSION OR LAWFUL AUTHORITY, WITH THE
14 INTENT TO OBTAIN, RECORD, OR ACCESS THE PERSONAL IDENTIFYING
15 INFORMATION OR FINANCIAL IDENTIFYING INFORMATION OF ANOTHER.

16 (2) GATHERING IDENTITY INFORMATION BY DECEPTION IS A CLASS
17 5 FELONY.

18 **18-5-905. Possession of identity theft tools.** (1) A PERSON
19 COMMITS POSSESSION OF IDENTITY THEFT TOOLS IF HE OR SHE POSSESSES
20 ANY TOOLS, EQUIPMENT, COMPUTER, COMPUTER NETWORK, SCANNER,
21 PRINTER, OR OTHER ARTICLE ADAPTED, DESIGNED, OR COMMONLY USED
22 FOR COMMITTING OR FACILITATING THE COMMISSION OF THE OFFENSE OF
23 IDENTITY THEFT AS DESCRIBED IN SECTION 18-5-902, AND INTENDS TO USE
24 THE THING POSSESSED, OR KNOWS THAT A PERSON INTENDS TO USE THE
25 THING POSSESSED, IN THE COMMISSION OF THE OFFENSE OF IDENTITY
26 THEFT.

27 (2) POSSESSION OF IDENTITY THEFT TOOLS IS A CLASS 5 FELONY.

1 **SECTION 9.** 18-17-103 (5) (b) (IV), Colorado Revised Statutes,
2 is amended to read:

3 **18-17-103. Definitions.** (5) "Racketeering activity" means to
4 commit, to attempt to commit, to conspire to commit, or to solicit, coerce,
5 or intimidate another 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), 18-5-403 (bribery in sports), 18-5-113 (criminal
16 impersonation), ~~and~~ 18-5-114 (offering a false document for recording),
17 18-5-702 (UNAUTHORIZED USE OF A FINANCIAL TRANSACTION DEVICE),
18 18-5-705 (CRIMINAL POSSESSION OR SALE OF A BLANK FINANCIAL
19 TRANSACTION DEVICE), 18-5-706 (CRIMINAL POSSESSION OF FORGERY
20 DEVICES), 18-5-707 (UNLAWFUL MANUFACTURE OF A FINANCIAL
21 TRANSACTION DEVICE), 18-5-902 (IDENTITY THEFT), 18-5-903 (CRIMINAL
22 POSSESSION OF A FINANCIAL DEVICE), 18-5-904 (GATHERING IDENTITY
23 INFORMATION BY DECEPTION), AND 18-5-905 (POSSESSION OF IDENTITY
24 THEFT TOOLS);

25 **SECTION 10. Effective date - applicability.** This act shall take
26 effect July 1, 2006, and shall apply to offenses committed on or after said
27 date.

1 **SECTION 11. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.