

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 14-1266

BY REPRESENTATIVE(S) McCann and Gardner, Exum, Fields, Hulinghorst, Lee, Ryden, Schafer, Tyler, Wright;
also SENATOR(S) Newell and King, Steadman.

CONCERNING THE PENALTIES FOR CERTAIN VALUE-BASED OFFENSES, AND,
IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION.

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

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

18-4-501. Criminal mischief. (1) A person ~~who~~ **COMMITTS** CRIMINAL MISCHIEF WHEN HE OR SHE knowingly damages the real or personal property of one or more other persons, including property owned by the person jointly with another person or property owned by the person in which another person has a possessory or proprietary interest, in the course of a single criminal episode. ~~commits a class 2 misdemeanor where the aggregate damage to the real or personal property is less than five hundred dollars. Where the aggregate damage to the real or personal property is five hundred dollars or more but less than one thousand dollars, the person commits a class 1 misdemeanor. Where the aggregate damage to the real or personal property is one thousand dollars or more but less~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~than twenty thousand dollars, the person commits a class 4 felony. Where the aggregate damage to the real or personal property is twenty thousand dollars or more, the person commits a class 3 felony.~~

(4) CRIMINAL MISCHIEF IS:

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

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

(c) A CLASS 1 MISDEMEANOR WHEN THE AGGREGATE DAMAGE TO THE REAL OR PERSONAL PROPERTY IS SEVEN HUNDRED FIFTY DOLLARS OR MORE BUT LESS THAN ONE THOUSAND DOLLARS;

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

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

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

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

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

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

18-5-205. Fraud by check - definitions - penalties. (3) Fraud by

check is:

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

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

(a.7) A CLASS 3 MISDEMEANOR IF THE FRAUDULENT CHECK WAS FOR THE SUM OF FIFTY DOLLARS OR MORE BUT LESS THAN THREE HUNDRED DOLLARS OR IF THE OFFENDER IS CONVICTED OF FRAUD BY CHECK INVOLVING THE ISSUANCE OF TWO OR MORE CHECKS WITHIN A SIXTY-DAY PERIOD IN THE STATE OF COLORADO TOTALING FIFTY DOLLARS OR MORE BUT LESS THAN THREE HUNDRED DOLLARS IN THE AGGREGATE;

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

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

(c) A class ~~6 felony~~ 1 MISDEMEANOR if the fraudulent check was for the sum of ~~one thousand~~ SEVEN HUNDRED FIFTY dollars or more BUT LESS THAN TWO THOUSAND DOLLARS or if the offender is convicted of fraud by check involving the issuance of two or more checks within a sixty-day

period in the state of Colorado totaling ~~one thousand~~ SEVEN HUNDRED FIFTY dollars or more BUT LESS THAN TWO THOUSAND DOLLARS in the aggregate; ~~or if the offender has been twice previously convicted under this section or a former statute of this state of similar content and purport;~~

(d) A CLASS 6 FELONY IF THE FRAUDULENT CHECK WAS FOR THE SUM OF TWO THOUSAND DOLLARS OR MORE OR IF THE OFFENDER IS CONVICTED OF FRAUD BY CHECK INVOLVING THE ISSUANCE OF TWO OR MORE CHECKS WITHIN A SIXTY-DAY PERIOD IN THE STATE OF COLORADO TOTALING TWO THOUSAND DOLLARS OR MORE IN THE AGGREGATE;

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

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

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

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

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

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

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

~~(d) The person commits a class 3 felony if the value of the collateral is twenty thousand dollars or more.~~ A CLASS 2 MISDEMEANOR IF THE VALUE OF THE COLLATERAL IS THREE HUNDRED DOLLARS OR MORE BUT LESS THAN SEVEN HUNDRED FIFTY DOLLARS;

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

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

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

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

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

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

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

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

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

~~(b.5) The creditor commits a class 1 misdemeanor if the amount~~

~~owing on the note or contract is five hundred dollars or more but less than one thousand dollars;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A CLASS 1 MISDEMEANOR IF THE VALUE OF THE CASH, CREDIT, PROPERTY, OR SERVICES OBTAINED OR OF THE FINANCIAL PAYMENTS MADE IS SEVEN HUNDRED FIFTY DOLLARS OR MORE BUT LESS THAN TWO THOUSAND DOLLARS;

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

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

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

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

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

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

18-5.5-102. Computer crime. (3) (a) Except as provided in paragraphs (b) and (c) of this subsection (3), if the loss, damage, value of services, or thing of value taken, or cost of restoration or repair caused by a violation of this section is: ~~less than five hundred dollars, computer crime is a class 2 misdemeanor; if five hundred dollars or more but less than one thousand dollars, computer crime is a class 1 misdemeanor; if one thousand dollars or more but less than twenty thousand dollars, computer crime is a class 4 felony; if twenty thousand dollars or more, computer crime is a class 3 felony.~~

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

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

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

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

(V) TWO THOUSAND DOLLARS OR MORE BUT LESS THAN FIVE

THOUSAND DOLLARS, COMPUTER CRIME IS A CLASS 6 FELONY;

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

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

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

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

SECTION 6. In Colorado Revised Statutes, 18-4-409, **amend** (3) as follows:

18-4-409. Aggravated motor vehicle theft. (3) Aggravated motor vehicle theft in the first degree is a:

(a) ~~Class 4~~ CLASS 5 felony if the value of the motor vehicle or motor vehicles involved is LESS THAN twenty thousand dollars; ~~or less~~

(a.5) CLASS 4 FELONY IF THE VALUE OF THE MOTOR VEHICLE OR MOTOR VEHICLES INVOLVED IS TWENTY THOUSAND DOLLARS OR MORE BUT LESS THAN ONE HUNDRED THOUSAND DOLLARS;

(b) Class 3 felony if the value of the motor vehicle or motor vehicles involved is more than ~~twenty~~ ONE HUNDRED thousand dollars or if the defendant has twice previously been convicted or adjudicated of charges separately brought and tried either in this state or elsewhere of an offense involving theft of a motor vehicle under the laws of this state, any other state, the United States, or any territory subject to the jurisdiction of the United States.

SECTION 7. Appropriation - adjustments to 2014 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the judicial department for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The general fund appropriation to the office of the state public defender for personal services is decreased by \$67,270 and 1.2 FTE.

(b) The general fund appropriation to the office of the state public defender for operating and travel expenses is decreased by \$2,138.

SECTION 8. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO