

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 20, 2018
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB18-1200 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 19, strike "**amend** 18-5.5-102" and
- 2 substitute "18-5.5-102, **amend** (1) introductory portion and (3); and **add**
- 3 (1)(h), (1)(i), (1)(j), and (4)".

- 4 Page 3, strike lines 3 through 27.

- 5 Page 4, strike lines 1 through 18.

- 6 Page 4, line 19, strike "SOLICITS, ARRANGES," and substitute "SOLICITS".

- 7 Page 4, line 25, strike "MAGNETIC STRIP OR STRIPE OF A".

- 8 Page 5, line 4, strike "MAGNETIC STRIP OR STRIPE OF A".

- 9 Page 5, line 5, strike "THE MAGNETIC STRIP OR STRIPE OF".

- 10 Page 5, strike lines 11 through 27 and substitute:
- 11 "(3) (a) Except as provided in ~~paragraphs (b), and (c) of this~~
- 12 ~~subsection (3);~~ SUBSECTIONS (3)(b), (3)(b.5), AND (3)(c) OF THIS SECTION,
- 13 if the loss, damage, value of services, or thing of value taken, or cost of
- 14 restoration or repair caused by a violation of this section is:
- 15 (I) ~~Less than fifty dollars, computer crime is a class 1 petty~~
- 16 ~~offense;~~
- 17 (II) ~~Fifty dollars or more but~~ Less than three hundred dollars,

1 ~~computer crime~~ CYBERCRIME is a class 3 misdemeanor;
2 (III) Three hundred dollars or more but less than seven hundred
3 fifty dollars, ~~computer crime~~ CYBERCRIME is a class 2 misdemeanor;
4 (IV) Seven hundred fifty dollars or more but less than two
5 thousand dollars, ~~computer crime~~ CYBERCRIME is a class 1 misdemeanor;
6 (V) Two thousand dollars or more but less than five thousand
7 dollars, ~~computer crime~~ CYBERCRIME is a class 6 felony;
8 (VI) Five thousand dollars or more but less than twenty thousand
9 dollars, ~~computer crime~~ CYBERCRIME is a class 5 felony;
10 (VII) Twenty thousand dollars or more but less than one hundred
11 thousand dollars, ~~computer crime~~ CYBERCRIME is a class 4 felony;
12 (VIII) One hundred thousand dollars or more but less than one
13 million dollars, ~~computer crime~~ CYBERCRIME is a class 3 felony; and
14 (IX) One million dollars or more, ~~computer crime~~ CYBERCRIME is
15 a class 2 felony.
16 (b) ~~Computer crime~~ CYBERCRIME committed in violation of
17 ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section is a class
18 2 misdemeanor; except that, if the person has previously been convicted
19 under this section ~~a previous version of this section, or a statute of~~
20 ~~another state of similar content and purport, computer crime~~ OR OF ANY
21 CRIMINAL ACT COMMITTED IN ANY JURISDICTION OF THE UNITED STATES
22 WHICH, IF COMMITTED IN THIS STATE, WOULD BE A FELONY UNDER THIS
23 STATUTE, CYBERCRIME committed in violation of ~~paragraph (a) of~~
24 ~~subsection (1)~~ SUBSECTION (1)(a) of this section is a class 6 felony.
25 (b.5) CYBERCRIME COMMITTED IN VIOLATION OF SUBSECTION
26 (1)(h), (1)(i) OR (1)(j) OF THIS SECTION IS A CLASS 5 FELONY.
27 (c) (I) ~~Computer crime~~ CYBERCRIME committed in violation of
28 ~~paragraph (g) of subsection (1)~~ SUBSECTION (1)(g) of this section is a
29 class 1 misdemeanor.
30 (II) If ~~computer crime~~ CYBERCRIME is committed to obtain event
31 tickets, each ticket purchased shall constitute a separate offense.
32 (III) ~~Paragraph (g) of subsection (1)~~ SUBSECTION (1)(g) of this
33 section shall not prohibit the resale of tickets in a secondary market by a
34 person other than the event sponsor or promoter.
35 (d) Consistent with section 18-1-202, a prosecution for a violation
36 of ~~paragraph (g) of subsection (1)~~ SUBSECTION (1)(g) of this section may
37 be tried in the county where the event has been, or will be, held.
38 (4) NOTHING IN THIS SECTION PRECLUDES PUNISHMENT PURSUANT
39 TO ANY OTHER SECTION OF LAW."

40 Strike page 6.

1 Page 7, strike lines 1 through 12.

** ** ** ** **