

CHAPTER 288

CRIMINAL LAW AND PROCEDURE

SENATE BILL 99-048

BY SENATORS Blickensderfer, Epps, Hernandez, Powers, and Sullivant;
also REPRESENTATIVES McPherson, Gagliardi, Hagedorn, McKay, Spence, and Swenson.

AN ACT

CONCERNING THE CRIME OF MOTOR VEHICLE THEFT.

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

SECTION 1. 18-4-409, Colorado Revised Statutes, is amended to read:

18-4-409. Aggravated motor vehicle theft. (1) As used in this section, unless the context otherwise requires:

(a) "Motor vehicle" means all vehicles of whatever description propelled by any power other than muscular, except vehicles running on rails.

(b) "Vehicle identification number" means the serial number placed upon the motor vehicle by the manufacturer thereof or assigned to the motor vehicle by the department of revenue.

(2) A person commits aggravated motor vehicle theft in the first degree if he OR SHE knowingly obtains or exercises control over the motor vehicle of another without authorization or by threat or deception and:

(a) Retains possession or control of the motor vehicle for more than twenty-four hours; or

(b) Attempts to alter or disguise or alters or disguises the appearance of the motor vehicle; or

(c) Attempts to alter or remove or alters or removes the vehicle identification number; or

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

(d) Uses the motor vehicle in the commission of a crime other than a traffic offense; or

(e) Causes five hundred dollars or more property damage in the exercise of control of the motor vehicle; or

(f) Causes bodily injury to another person while he OR SHE is in the exercise of control of the motor vehicle; or

(g) Removes the motor vehicle from this state for a period of time in excess of twelve hours; or

(h) Unlawfully attaches or otherwise displays in or upon the motor vehicle license plates other than those officially issued for the motor vehicle.

(3) Aggravated motor vehicle theft in the first degree is a:

(a) Class 4 felony if the value of the motor vehicle or motor vehicles involved is fifteen thousand dollars or less;

(b) Class 3 felony if the value of the motor vehicle or motor vehicles involved is more than fifteen 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.

(4) A person commits aggravated motor vehicle theft in the second degree if he or she knowingly obtains or exercises control over the motor vehicle of another without authorization or by threat or deception and if none of the aggravating factors in subsection (2) of this section are present. Aggravated motor vehicle theft in the second degree is a class 2 misdemeanor but is a:

(a) Class 5 felony if ~~committed by a person who has been twice previously 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, even though none of the aggravating factors set forth in subsection (2) of this section are present~~ THE VALUE OF THE MOTOR VEHICLE OR MOTOR VEHICLES INVOLVED IS FIFTEEN THOUSAND DOLLARS OR MORE;

(b) CLASS 6 FELONY IF THE VALUE OF THE MOTOR VEHICLE OR MOTOR VEHICLES INVOLVED IS FIVE HUNDRED DOLLARS OR MORE BUT LESS THAN FIFTEEN THOUSAND DOLLARS;

(c) CLASS 2 MISDEMEANOR IF THE VALUE OF THE MOTOR VEHICLE OR MOTOR VEHICLES INVOLVED IS LESS THAN FIVE HUNDRED DOLLARS.

(5) CONSISTENT WITH SECTION 18-1-202, IF THE THEFT OF A MOTOR VEHICLE OCCURS IN ONE JURISDICTION AND THE MOTOR VEHICLE IS RECOVERED IN ANOTHER

JURISDICTION, THE OFFENDER MAY BE TRIED IN THE JURISDICTION WHERE THE THEFT OCCURRED, IN ANY JURISDICTION THROUGH WHICH THE MOTOR VEHICLE WAS OPERATED OR TRANSPORTED, OR IN THE JURISDICTION IN WHICH THE MOTOR VEHICLE WAS RECOVERED.

SECTION 2. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that the amendment to section 18-4-409, Colorado Revised Statutes, in this act would require a five-year appropriation pursuant to the requirements of section 2-2-703, Colorado Revised Statutes, for prison bed construction and operating costs. However, it is the intent of the general assembly that any prison bed construction and operating costs resulting from the passage of this act be offset by prison bed savings and operating costs savings created by the amendment to section 42-2-206, Colorado Revised Statutes, in House Bill 99-1168, that are anticipated to be equal to or greater than the costs resulting from the passage of this act.

SECTION 3. Effective date. (1) This act shall take effect July 1, 2000, and shall apply to offenses committed on or after said date; except that this act shall only take effect if:

(a) Section 42-2-206, Colorado Revised Statutes, is amended in House Bill 99-1168 to change the penalty for driving with a revoked license from a class 6 felony to a class 1 misdemeanor; and

(b) House Bill 99-1168 is enacted and becomes law.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 1999

Editor's note: House Bill 99-1168 was signed by the Governor on May 24, 1999.