

## CHAPTER 159

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 00-1111**

BY REPRESENTATIVES Miller, Alexander, Allen, Bacon, Berry, Chavez, Clapp, Clarke, Coleman, Dean, Decker, Fairbank, Gagliardi, George, Gordon, Gottlieb, Hagedorn, Hefley, Hoppe, Johnson, Kaufman, Keller, Kester, King, Larson, Lawrence, Lee, Leyba, Mace, May, McElhany, McKay, McPherson, Mitchell, Morrison, Nuñez, Paschall, Pfiffner, Plant, Ragsdale, Scott, Sinclair, Smith, Spence, Spradley, Stengel, Swenson, Takis, Tapia, Taylor, Tochtrop, Tool, Tupa, Veiga, Vigil, Webster, S. Williams, T. Williams, Windels, Witwer, Young, and Zimmerman;  
also SENATORS Blickensderfer, Congrove, Epps, Hillman, Musgrave, Nichol, Powers, Tebedo, and Wham.

**AN ACT**

CONCERNING PRODUCTION OF FALSE IDENTIFICATION DOCUMENTATION, AND MAKING AN APPROPRIATION THEREFOR.

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

**SECTION 1. Legislative declaration.** The general assembly hereby finds, determines, and declares that the theft of identifying information is an increasing problem for Colorado citizens. The world wide web contains many sites that advertise and sell the tools for a person to steal the identity of another or forge any number of documents. One example is the ability of an internet user to purchase a template for a driver's license from any of the fifty states and thereby create a "fake driver's license". Prosecuting attorneys in Colorado are unable to fully prosecute the owners, operators, or users of such web sites and thus are unable to protect Colorado citizens from such identity thefts. Therefore, the general assembly declares that the addition of criminal penalties for forging an identity document by use of a document-making implement and possession offenses related to document-making implements is intended to give Colorado's prosecuting attorneys a tool to protect Colorado's citizens more effectively.

**SECTION 2.** 18-5-101, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**18-5-101. Definitions.** As used in sections 18-5-101 to 18-5-110, unless the context otherwise requires:

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

(1.5) "DOCUMENT-MAKING IMPLEMENT" MEANS ANY IMPLEMENT OR IMPRESSION, INCLUDING, BUT NOT LIMITED TO, A TEMPLATE OR A COMPUTERIZED TEMPLATE OR FORM, SPECIALLY DESIGNED OR PRIMARILY USED FOR MAKING IDENTIFICATION DOCUMENTS, FALSE IDENTIFICATION DOCUMENTS, OR ANOTHER DOCUMENT-MAKING IMPLEMENT.

(6.5) "IDENTIFICATION DOCUMENT" MEANS A DOCUMENT MADE OR ISSUED BY OR UNDER THE AUTHORITY OF THE UNITED STATES GOVERNMENT, A STATE, POLITICAL SUBDIVISION OF A STATE, A FOREIGN GOVERNMENT, POLITICAL SUBDIVISION OF A FOREIGN GOVERNMENT, AN INTERNATIONAL GOVERNMENTAL, OR AN INTERNATIONAL QUASI-GOVERNMENTAL ORGANIZATION WHICH, WHEN COMPLETED WITH INFORMATION CONCERNING A PARTICULAR INDIVIDUAL, IS OF A TYPE INTENDED OR COMMONLY ACCEPTED FOR THE PURPOSE OF IDENTIFICATION OF INDIVIDUALS.

(7.5) "PRODUCE" INCLUDES ALTER, AUTHENTICATE, OR ASSEMBLE.

**SECTION 3.** 18-5-102 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**18-5-102. Forgery.** (1) A person commits forgery, if, with intent to defraud, such person falsely makes, completes, alters, or utters a written instrument which is or purports to be, or which is calculated to become or to represent if completed:

(h) A DOCUMENT-MAKING IMPLEMENT THAT MAY BE USED OR IS USED IN THE PRODUCTION OF A FALSE IDENTIFICATION DOCUMENT OR IN THE PRODUCTION OF ANOTHER DOCUMENT-MAKING IMPLEMENT TO PRODUCE FALSE IDENTIFICATION DOCUMENTS.

**SECTION 4.** 18-5-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**18-5-109. Criminal possession of forgery devices.** (1) A person commits criminal possession of forgery devices when:

(d) SUCH PERSON UNLAWFULLY MAKES, PRODUCES, POSSESSES, OR UTTERS A DOCUMENT-MAKING IMPLEMENT KNOWING THAT SUCH DOCUMENT-MAKING IMPLEMENT MAY BE USED OR IS USED IN THE PRODUCTION OF A FALSE IDENTIFICATION DOCUMENT OR ANOTHER DOCUMENT-MAKING IMPLEMENT.

**SECTION 5.** 42-3-121 (2) (a) (II), Colorado Revised Statutes, is amended to read:

**42-3-121. Parking privileges for persons with disabilities - applicability.**

(2) (a) A person with a disability may apply to the motor vehicle division of the department for:

(II) An identifying placard to be prominently displayed on a motor vehicle used to transport such person. Any placard valid for more than ninety days issued by the motor vehicle division pursuant to this section shall have printed on the placard ~~either the Colorado driver's license number or the Colorado identification card number of the person or persons with the disability~~ A NUMBER ASSIGNED TO THE PLACARD THAT

CORRESPONDS TO IDENTIFYING INFORMATION OF THE PERSON OR PERSONS WITH THE DISABILITY. IDENTIFYING INFORMATION ABOUT THE PERSON OR PERSONS WITH THE DISABILITY SHALL BE STRICTLY CONFIDENTIAL AND ONLY AVAILABLE TO LAW ENFORCEMENT OR TO PERSONNEL WITHIN THE DEPARTMENT FOR OFFICIAL BUSINESS RELATED TO SUCH PLACARD. Such ~~identifying~~ ASSIGNED number shall be legible to any law enforcement officer or authorized parking enforcement official when viewed from outside the vehicle. Any placard issued by the motor vehicle division pursuant to this section shall be renewed every three years in a manner to be determined by the division. The verification requirements of subsection (1) of this section shall be met each time the placard is renewed.

**SECTION 6.** Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-1-128. Appropriation to comply with section 2-2-703.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HB 00-1111, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF TWO HUNDRED FIFTY-EIGHT THOUSAND ONE HUNDRED EIGHTY-SIX DOLLARS (\$258,186).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF NINETY-SEVEN THOUSAND TWO HUNDRED FIFTY-FOUR DOLLARS (\$97,254).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF NINETY-SEVEN THOUSAND FIVE HUNDRED EIGHTEEN DOLLARS (\$97,518).

(c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED THIRTY-FOUR THOUSAND TWO HUNDRED FIFTY-ONE DOLLARS (\$134,251).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED THIRTY-FOUR THOUSAND TWO HUNDRED FIFTY-ONE DOLLARS (\$134,251).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO ANY OTHER

APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED THIRTY-FOUR THOUSAND TWO HUNDRED FIFTY-ONE DOLLARS (\$134,251).

**SECTION 7.** 24-75-302 (2) (m) and (2) (n), Colorado Revised Statutes, are amended to read:

**24-75-302. Capital construction fund-capital assessment fees-calculation.**

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2002, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(m) On July 1, 2000, one hundred million dollars, plus one hundred eighty-four thousand ninety dollars pursuant to H.B. 97-1186; plus four hundred seventy-eight thousand six hundred thirty-four dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly; plus twelve thousand two hundred seventeen dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus seventy-one thousand two hundred seven dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; PLUS TWO HUNDRED FIFTY-EIGHT THOUSAND ONE HUNDRED EIGHTY-SIX DOLLARS PURSUANT TO H.B. 00-1111, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY;

(n) On July 1, 2001, one hundred million dollars, plus one hundred fifty-four thousand six hundred thirty-six dollars pursuant to H.B. 97-1186; plus nine hundred five thousand seven hundred twenty-three dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly; plus nine thousand eight hundred ninety dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus three hundred forty-nine thousand fifty-five dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; PLUS NINETY-SEVEN THOUSAND TWO HUNDRED FIFTY-FOUR DOLLARS PURSUANT TO H.B. 00-1111, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY; and

**SECTION 8. Effective date - applicability.** This act shall take effect July 1, 2000, and shall apply to any person who makes, completes, alters, utters, or possesses false identification documents or document-making implements on or after said date.

**SECTION 9. 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: May 19, 2000