

## CHAPTER 248

---

**CONSUMER AND COMMERCIAL TRANSACTIONS**

---

**HOUSE BILL 00-1116**

BY REPRESENTATIVES George, Alexander, Allen, Bacon, Berry, Chavez, Clarke, Coleman, Dean, Fairbank, Gagliardi, Gotlieb, Grossman, Hagedorn, Hoppe, Kaufman, Keller, Kester, Larson, Lee, Leyba, Mace, McElhany, Miller, Morrison, Plant, Scott, Smith, Tapia, Taylor, Tochtrop, Tool, Tupa, Veiga, Vigil, S. Williams, Windels, Young, and Zimmerman;  
also SENATORS Wham, Andrews, Arnold, Chlouber, Congrove, Dyer, Epps, Evans, Feeley, Hernandez, Linkhart, Martinez, Matsunaka, Musgrave, Nichol, Pascoe, Perlmutter, Phillips, Reeves, Rupert, Sullivant, Tanner, Tebedo, Teck, and Weddig.

**AN ACT**

CONCERNING THE LEGAL CONSEQUENCES OF ACTS OF FRAUD AGAINST SENIOR CITIZENS.

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

**SECTION 1.** 6-1-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**6-1-102. Definitions.** As used in this article, unless the context otherwise requires:

(4.4) "ELDERLY PERSON" MEANS A PERSON SIXTY YEARS OF AGE OR OLDER.

**SECTION 2.** 6-1-112, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**6-1-112. Civil penalties.** (3) ANY PERSON WHO VIOLATES OR CAUSES ANOTHER TO VIOLATE ANY PROVISION OF THIS ARTICLE, WHERE SUCH VIOLATION WAS COMMITTED AGAINST AN ELDERLY PERSON, SHALL FORFEIT AND PAY TO THE GENERAL FUND OF THE STATE A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH SUCH VIOLATION. FOR PURPOSES OF THIS SUBSECTION (3), A VIOLATION OF ANY PROVISION OF THIS ARTICLE SHALL CONSTITUTE A SEPARATE VIOLATION WITH RESPECT TO EACH ELDERLY PERSON INVOLVED.

**SECTION 3.** 18-1-105 (1) (a) (III), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

---

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

**18-1-105. Felonies classified - presumptive penalties.**

(1) (a) (III) (A.5) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY PERSON WHO ATTEMPTS TO COMMIT, CONSPIRES TO COMMIT, OR COMMITS AGAINST AN ELDERLY PERSON ANY FELONY SET FORTH IN PART 4 OF ARTICLE 4 OF THIS TITLE, IN PART 1, 2, 3, OR 5 OF ARTICLE 5 OF THIS TITLE, ARTICLE 5.5 OF THIS TITLE, OR SECTION 11-51-603, C.R.S., SHALL BE REQUIRED TO PAY A MANDATORY AND SUBSTANTIAL FINE WITHIN THE LIMITS PERMITTED BY LAW. HOWEVER, ALL MONEYS COLLECTED FROM THE OFFENDER SHALL BE APPLIED IN THE FOLLOWING ORDER: COSTS FOR CRIME VICTIMS COMPENSATION FUND PURSUANT TO SECTION 24-4.1-119, C.R.S.; SURCHARGES FOR VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND PURSUANT TO SECTION 24-4.2-104, C.R.S.; RESTITUTION; TIME PAYMENT FEE; LATE FEES; AND ANY OTHER FINES, FEES, OR SURCHARGES. FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (A.5), AN "ELDERLY PERSON" OR "ELDERLY VICTIM" MEANS A PERSON SIXTY YEARS OF AGE OR OLDER.

**SECTION 4.** 18-1-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**18-1-106. Misdemeanors classified - penalties.** (4) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY PERSON WHO ATTEMPTS TO COMMIT, CONSPIRES TO COMMIT, OR COMMITS AGAINST AN ELDERLY PERSON ANY MISDEMEANOR SET FORTH IN PART 4 OF ARTICLE 4 OF THIS TITLE, IN PART 1, 2, 3, OR 5 OF ARTICLE 5 OF THIS TITLE, OR ARTICLE 5.5 OF THIS TITLE SHALL BE REQUIRED TO PAY A MANDATORY AND SUBSTANTIAL FINE WITHIN THE LIMITS PERMITTED BY LAW. HOWEVER, ALL MONEYS COLLECTED FROM THE OFFENDER SHALL BE APPLIED IN THE FOLLOWING ORDER: COSTS FOR CRIME VICTIMS COMPENSATION FUND PURSUANT TO SECTION 24-4.1-119, C.R.S.; SURCHARGES FOR VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND PURSUANT TO SECTION 24-4.2-104, C.R.S.; RESTITUTION; TIME PAYMENT FEE; LATE FEES; AND ANY OTHER FINES, FEES, OR SURCHARGES. FOR PURPOSES OF THIS SUBSECTION (4), AN "ELDERLY PERSON" OR "ELDERLY VICTIM" MEANS A PERSON SIXTY YEARS OF AGE OR OLDER.

**SECTION 5.** 16-13-301 (2.3), Colorado Revised Statutes, is amended to read:

**16-13-301. Definitions.** As used in this part 3, unless the context otherwise requires:

(2.3) "Public nuisance act" means any of the crimes, offenses, or violations set forth in section 16-13-303 (1) (a) to ~~(1) (m)~~ (1) (n), regardless of the location where the act occurred.

**SECTION 6.** 16-13-303 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**16-13-303. Class 1 public nuisance.** (1) Every building or part of a building including the ground upon which it is situate and all fixtures and contents thereof, every vehicle, and any real property shall be deemed a class 1 public nuisance when:

(n) USED IN COMMITTING, ATTEMPTING TO COMMIT, OR CONSPIRING TO COMMIT AGAINST AN ELDERLY PERSON ANY FELONY SET FORTH IN PART 4 OF ARTICLE 4 OF TITLE 18, C.R.S., IN PART 1, 2, 3, OR 5 OF ARTICLE 5 OF TITLE 18, C.R.S., ARTICLE 5.5

OF TITLE 18, C.R.S., OR SECTION 11-51-603, C.R.S. FOR PURPOSES OF THIS PARAGRAPH (n), AN "ELDERLY PERSON" MEANS A PERSON SIXTY YEARS OF AGE OR OLDER.

**SECTION 7. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to acts committed on or after the applicable effective date of this act.

Approved: May 26, 2000