

CHAPTER 186

**CRIMINAL LAW AND PROCEDURE**

SENATE BILL 01-046

BY SENATOR(S) Fitz-Gerald, Chlouber, and McElhany;  
also REPRESENTATIVE(S) Scott, Cadman, Mace, Spradley, and Stengel.

**AN ACT**

CONCERNING UNLAWFUL ACTS AT LICENSED GAMING ESTABLISHMENTS, AND MAKING AN  
APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1.** 12-47.1-825 (8), Colorado Revised Statutes, is amended to read:

**12-47.1-825. Use of counterfeit or unapproved chips or tokens or unlawful coins or devices - possession of certain unlawful devices, equipment, products, or materials.** (8) Any person issued a license pursuant to this article violating any provision of this section commits a class 6 felony and shall be punished as provided in section 18-1-105, C.R.S.; ~~and any other person violating any provision of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.~~ EXCEPT THAT, if the person is a repeating gambling offender, the person commits a class 5 felony and shall be punished as provided in section 18-1-105, C.R.S.

**SECTION 2.** 12-47.1-826 (2), Colorado Revised Statutes, is amended to read:

**12-47.1-826. Cheating game and devices.** (2) Any person issued a license pursuant to this article violating any provision of this section commits a class 6 felony and shall be punished as provided in section 18-1-105, C.R.S.; ~~and any other person violating this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.~~ EXCEPT THAT, if the person is a repeating gambling offender, the person commits a class 5 felony and shall be punished as provided in section 18-1-105, C.R.S.

**SECTION 3.** 18-20-109 (8), Colorado Revised Statutes, is amended to read:

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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.*

**18-20-109. Use of counterfeit or unapproved chips or tokens or unlawful coins or devices - possession of certain unlawful devices, equipment, products, or materials.** (8) Any person issued a license pursuant to article 47-1 of title 12, C.R.S., violating any provision of this section commits a class 6 felony; ~~and any other person violating any provision of this section commits a class 1 misdemeanor.~~ EXCEPT THAT, if the person is a repeating gambling offender, the person commits a class 5 felony.

**SECTION 4.** 18-20-110 (2), Colorado Revised Statutes, is amended to read:

**18-20-110. Cheating game and devices.** (2) Any person issued a license pursuant to article 47-1 of title 12, C.R.S., violating any provision of this section commits a class 6 felony; ~~and any other person violating this section commits a class 1 misdemeanor.~~ EXCEPT THAT, if the person is a repeating gambling offender, the person commits a class 5 felony.

**SECTION 5.** Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-1-133. Appropriation to comply with section 2-2-703 - SB 01-046.**

(1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATION, OR SO MUCH THEREOF AS MAY BE NECESSARY, IS MADE IN ORDER TO IMPLEMENT S.B. 01-046, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS (\$69,467).

(b) 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 TWENTY-THREE THOUSAND EIGHT HUNDRED THIRTY-THREE DOLLARS (\$23,833).

(c) 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 TWENTY-THREE THOUSAND EIGHT HUNDRED THIRTY-THREE DOLLARS (\$23,833).

**SECTION 6.** 24-75-302 (2) (n), Colorado Revised Statutes, is 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, 2005, 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:

(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 three hundred twenty-six thousand thirty-two dollars pursuant to H.B. 00-1107, enacted at the second regular session of the sixty-second 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; plus two hundred ninety-one thousand seven hundred sixty-one dollars pursuant to H.B. 00-1158, enacted at the second regular session of the sixty-second general assembly; plus one million one hundred sixteen thousand nine hundred seventy-one dollars pursuant to H.B. 00-1201, enacted at the second regular session of the sixty-second general assembly; plus four hundred sixteen thousand eight hundred two dollars pursuant to H.B. 00-1214, enacted at the second regular session of the sixty-second general assembly; plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 00-1247, enacted at the second regular session of the sixty-second general assembly; PLUS SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS PURSUANT TO S.B. 01-046, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

**SECTION 7. Effective date - applicability.** This act shall take effect July 1, 2001, and shall apply to offenses committed on or after said date.

**SECTION 8. 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 30, 2001