

CHAPTER 218

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 05-1347

BY REPRESENTATIVE(S) Solano, Balmer, Berens, Borodkin, Butcher, Carroll T., Cerbo, Cloer, Coleman, Frangas, Green, Hefley, Kerr, Massey, May M., McGihon, Merrifield, Paccione, Pommer, Stengel, Todd, and Romanoff;
also SENATOR(S) Bacon, Evans, Groff, Grossman, Hanna, Isgar, Mitchell, Shaffer, Tapia, Taylor, Teck, Tochtrop, Williams, and Windels.

AN ACT**CONCERNING CRIMINAL PENALTIES FOR THE USE OF ELECTRONIC DEVICES FOR THE PURPOSE OF IDENTITY THEFT.**

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

SECTION 1. Part 1 of article 5 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-5-119. Gathering personal information by deception. (1) (a) A PERSON COMMITS GATHERING PERSONAL INFORMATION BY DECEPTION IF, WITHOUT PERMISSION OR LAWFUL AUTHORITY, HE OR SHE KNOWINGLY MAKES OR CONVEYS A MATERIALLY FALSE STATEMENT OVER A COMPUTER OR COMPUTER NETWORK, OVER THE TELEPHONE, OR BY ANY OTHER ELECTRONIC MEDIUM WITH THE INTENT TO OBTAIN, RECORD, OR ACCESS THE PERSONAL IDENTIFYING INFORMATION OF ANOTHER.

(b) FOR PURPOSES OF THIS SECTION, "PERSONAL IDENTIFYING INFORMATION" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 6-1-713 (2), C.R.S.; EXCEPT THAT "PERSONAL IDENTIFYING INFORMATION" SHALL NOT INCLUDE A FINANCIAL TRANSACTION DEVICE, AS DEFINED IN SECTION 18-5-701 (3).

(2) GATHERING PERSONAL INFORMATION BY DECEPTION IS A CLASS 1 MISDEMEANOR.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to offenses committed on or after said date.

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

SECTION 3. 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 1, 2005