

CHAPTER 283

GOVERNMENT - STATE

HOUSE BILL 06-1347

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AN ACT

CONCERNING CREATION OF THE "IDENTITY THEFT AND FINANCIAL FRAUD DETERRENCE ACT", AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 17
IDENTITY THEFT AND
FINANCIAL FRAUD**

24-33.5-1701. Short title. THIS PART 17 SHALL BE KNOWN AND MAY BE CITED AS THE "IDENTITY THEFT AND FINANCIAL FRAUD DETERRENCE ACT".

24-33.5-1702. Legislative declaration. (1) THE GENERAL ASSEMBLY RECOGNIZES THE SIGNIFICANT CONSEQUENCES OF IDENTITY THEFT AND FINANCIAL FRAUD CRIMES ON COLORADO CITIZENS AND BUSINESSES. THE CONSEQUENCES SUFFERED BY COLORADO CITIZENS AND BUSINESSES INCLUDE THE TRAUMA OF RECOVERING STOLEN IDENTITIES AND REPAIRING RELATED DAMAGE TO PERSONAL FINANCES; THE DIRECT AND INDIRECT FINANCIAL COSTS TO VARIOUS VICTIMS, CONSUMERS, AND BUSINESSES; THE TIME DEDICATED TO GUARDING AGAINST AND RESOLVING SUCH CRIMES; AND THE OVERALL ECONOMIC IMPACT OF SUCH CRIMES.

(2) THE GENERAL ASSEMBLY RECOGNIZES THE LIMITED RESOURCES OF LOCAL LAW ENFORCEMENT AGENCIES, DISTRICT ATTORNEYS, AND THE ATTORNEY GENERAL. IT

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

IS THE INTENT OF THE COLORADO GENERAL ASSEMBLY TO PROTECT COLORADO CITIZENS AND BUSINESSES BY ENHANCING THE INVESTIGATION AND PROSECUTION OF IDENTITY THEFT AND FINANCIAL FRAUD CRIMES BY ESTABLISHING A STATEWIDE RESOURCE IN THE FORM OF A UNIT COMPRISED OF ATTORNEYS, INVESTIGATORS, AND SUPPORT STAFF TO ASSIST THE ATTORNEY GENERAL, SHERIFFS, POLICE, AND DISTRICT ATTORNEYS IN INVESTIGATING AND PROSECUTING CRIMINALS WHO COMMIT IDENTITY THEFT AND FINANCIAL FRAUD CRIMES.

(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO SUPPLEMENT THE EXISTING LAW ENFORCEMENT AND PROSECUTION SYSTEM AND PROVIDE GREATER FLEXIBILITY TO RESPOND TO THE SHIFTING ASPECTS OF IDENTITY THEFT AND FINANCIAL FRAUD CRIMES AND PRIORITIES AMONG SUCH CRIMES. THE UNIT WILL ALSO PROVIDE TO THE PUBLIC AND RELEVANT GROUPS APPROPRIATE INFORMATION ABOUT FINANCIAL FRAUD AND THE UNIT'S ACTIVITIES AND RESULTS. IT IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT THE UNIT WILL FOCUS ITS ATTENTION ON CRIMINAL ACTIVITY INVOLVING FINANCIAL TRANSACTIONS, INCLUDING BUT NOT LIMITED TO THE TYPES OF CRIME COVERED UNDER ARTICLE 5 OF TITLE 18, C.R.S.; MODIFICATIONS TO THESE AND OTHER RELEVANT CRIMES; NEW CRIMES AS THEY EVOLVE FROM TIME TO TIME; AND SUSPICIOUS ACTIVITY REPORTS REQUIRED BY FEDERAL LAW TO BE FILED BY DEPOSITORY INSTITUTIONS.

24-33.5-1703. Identity theft and financial fraud board - creation - rules.

(1) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT OF PUBLIC SAFETY THE IDENTITY THEFT AND FINANCIAL FRAUD BOARD, REFERRED TO IN THIS PART 17 AS THE "BOARD". THE BOARD SHALL HAVE THE POWERS AND DUTIES SPECIFIED IN THIS PART 17, INCLUDING BUT NOT LIMITED TO OVERSIGHT OF THE IDENTITY THEFT AND FINANCIAL FRAUD DETERRENCE TASK FORCE, CREATED IN SECTION 24-33.5-1704.

(b) THE BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF THIS TITLE.

(2) THE BOARD SHALL CONSIST OF NINE MEMBERS, AS FOLLOWS:

(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY;

(b) THE ATTORNEY GENERAL;

(c) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS COUNCIL OR HIS OR HER DESIGNEE; AND

(d) SIX MEMBERS APPOINTED BY THE GOVERNOR, AS FOLLOWS:

(I) A REPRESENTATIVE OF A POLICE DEPARTMENT;

(II) A REPRESENTATIVE OF A SHERIFF'S DEPARTMENT;

(III) THREE REPRESENTATIVES OF THE DEPOSITORY INSTITUTIONS OPERATING WITHIN THE STATE, AT LEAST TWO OF WHOM SHALL BE FROM A STATE OR NATIONAL BANK; AND

(IV) A REPRESENTATIVE OF A PAYMENT PROCESSOR.

(3) (a) THE SIX APPOINTED MEMBERS OF THE BOARD SHALL SERVE TERMS OF THREE YEARS; EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, THE REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT, THE REPRESENTATIVE OF A PAYMENT PROCESSOR, AND ONE OF THE TWO REPRESENTATIVES OF THE DEPOSITORY INSTITUTIONS, AS DESIGNATED BY THE GOVERNOR, SHALL EACH SERVE A TWO-YEAR TERM.

(b) THE GOVERNOR SHALL APPOINT MEMBERS OF THE BOARD WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS PART 17. AN APPOINTED MEMBER SHALL NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS, IN ADDITION TO ANY PARTIAL TERM. IN THE EVENT OF A VACANCY IN AN APPOINTED POSITION BY DEATH, RESIGNATION, REMOVAL FOR MISCONDUCT, INCOMPETENCE, OR NEGLIGENCE OF DUTY, OR OTHERWISE, THE GOVERNOR SHALL APPOINT A MEMBER TO FILL THE POSITION FOR THE REMAINDER OF THE UNEXPIRED TERM.

(4) (a) THE CHAIRMAN OF THE BOARD SHALL BE SELECTED BY THE BOARD FROM AMONG ITS MEMBERS.

(b) THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION; EXCEPT THAT THE MEMBERS OF THE BOARD MAY BE REIMBURSED FROM MONEYS IN THE COLORADO IDENTITY THEFT AND FINANCIAL FRAUD CASH FUND CREATED IN SECTION 24-33.5-1707 (1) FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS PART 17.

(5) BOARD MEMBERS SHALL ROUTINELY INTERACT AND COMMUNICATE WITH LOCAL AUTHORITIES AND CONSTITUENT GROUPS TO INCREASE AWARENESS OF THE BOARD AND THE UNIT AND TO FURTHER ITS PURPOSES AND THOSE OF LAW ENFORCEMENT AND PROSECUTORS.

(6) THE BOARD, IN ITS DISCRETION, MAY CREATE AN ADVISORY COMMITTEE OF ANY SIZE COMPRISED OF INTERESTED PARTIES TO PROVIDE INPUT ON THE BOARD'S ACTIVITIES. MEMBERS OF AN ADVISORY COMMITTEE SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(7) MEMBERS OF THE BOARD, EMPLOYEES, AND CONSULTANTS SHALL BE IMMUNE FROM SUIT IN ANY CIVIL ACTION BASED UPON ANY OFFICIAL ACT PERFORMED IN GOOD FAITH PURSUANT TO THIS PART 17.

(8) ON OR BEFORE MAY 1, 2009, THE BOARD SHALL REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON THE IMPLEMENTATION OF THIS PART 17 AND THE RESULTS ACHIEVED. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE ITEMS LISTED IN SECTION 24-33.5-1706 (2).

24-33.5-1704. Identity theft and financial fraud deterrence unit - creation - duties. (1) THERE IS HEREBY CREATED IN THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY A UNIT FOR THE INVESTIGATION AND PROSECUTION OF IDENTITY THEFT AND FINANCIAL FRAUD, REFERRED TO IN THIS PART 17 AS THE "UNIT". THE UNIT SHALL BE KNOWN IN THE

DEPARTMENT AS THE "COLORADO FRAUD INVESTIGATORS" UNIT.

(2) THE PURPOSE OF THE UNIT SHALL BE TO ASSIST THE ATTORNEY GENERAL, SHERIFFS, POLICE, AND DISTRICT ATTORNEYS IN INVESTIGATING IDENTITY THEFT AND FINANCIAL FRAUD CRIMES AND IN PROSECUTING PERSONS WHO COMMIT THOSE CRIMES. THE UNIT SHALL ALSO SERVE AS AN EDUCATIONAL RESOURCE FOR LAW ENFORCEMENT AGENCIES, MEMBERS OF THE FINANCIAL INDUSTRY, AND THE PUBLIC REGARDING IDENTITY THEFT AND FINANCIAL FRAUD CRIMES AND STRATEGIES FOR PROTECTION FROM AND DETERRENCE OF THESE CRIMES. THE UNIT SHALL OPERATE PURSUANT TO THE COMPREHENSIVE PLAN PREPARED BY THE UNIT AND APPROVED BY THE BOARD PURSUANT TO SECTION 24-33.5-1706. THE BOARD SHALL HAVE THE OVERSIGHT AND DIRECTION OF THE UNIT IN ALL OF ITS OPERATIONS.

(3) THE UNIT SHALL:

(a) GATHER INFORMATION CONCERNING IDENTITY THEFT AND FINANCIAL FRAUD AND TO ANALYZE THE INFORMATION AND IDENTIFY RELEVANT CRIMINAL ACTIVITIES, PATTERNS, AND TRENDS THROUGHOUT THE STATE OR REGIONS THEREOF, WHETHER MULTIJURISDICTIONAL OR NOT;

(b) TARGET SPECIFIC FORMS OF IDENTITY THEFT AND FINANCIAL FRAUD, AS SUCH FORMS CHANGE, ON WHICH TO CONCENTRATE UNIT RESOURCES AND EFFORT;

(c) DISSEMINATE INFORMATION TO THE PUBLIC, LOCAL LAW ENFORCEMENT AGENCIES, PROSECUTORS, DEPOSITORY INSTITUTIONS, AND OTHER BUSINESSES CONCERNING CURRENT AND ANTICIPATED IDENTITY THEFT AND FINANCIAL FRAUD CRIMES, RECOMMENDED STEPS TO PREVENT SUCH CRIMES, AND PATTERNS AND TRENDS IN SUCH CRIMES;

(d) PREPARE AND PRESENT CLASSES, BRIEFINGS, AND MATERIALS, IN PRINTED OR ELECTRONIC FORMAT, TO ASSIST LOCAL LAW ENFORCEMENT AGENCIES, DISTRICT ATTORNEYS, AND THE ATTORNEY GENERAL IN THEIR INVESTIGATIONS AND PROSECUTIONS; AND

(e) PROVIDE CONSULTATION ON AN INDIVIDUAL CASE, BUT ONLY UPON THE REQUEST OF A LOCAL LAW ENFORCEMENT AGENCY, A LOCAL DISTRICT ATTORNEY, OR THE ATTORNEY GENERAL.

(4) ALL UNIT RESOURCES SHALL BE USED TO SUPPLEMENT AND NOT REPLACE EXISTING LAW ENFORCEMENT AND PROSECUTION EFFORTS AGAINST IDENTITY THEFT AND FINANCIAL FRAUD CRIMES.

(5) THE UNIT SHALL BE RESPONSIVE TO SHIFTING ASPECTS OF IDENTITY THEFT AND FINANCIAL FRAUD CRIMES AND PRIORITIES AMONG SUCH CRIMES.

(6) THE UNIT SHALL PROVIDE SUCH CLERICAL AND TECHNICAL ASSISTANCE AS THE BOARD MAY REQUIRE.

24-33.5-1705. Board powers. (1) IN ADDITION TO ANY OTHER POWERS SPECIFICALLY GRANTED TO THE BOARD IN THIS PART 17, THE BOARD SHALL HAVE THE FOLLOWING POWERS:

(a) TO APPROVE THE PLAN PREPARED BY THE UNIT AS PROVIDED IN SECTION 24-33.5-1706;

(b) TO ESTABLISH THE GENERAL CRIMINAL ACTIVITIES ON WHICH THE UNIT SHOULD FOCUS ITS EFFORTS, PRIORITIES AMONG THOSE CRIMES AND AMONG REGIONS OF THE STATE, GENERAL CATEGORIES OF INFORMATION TO BE DISSEMINATED BY THE UNIT TO VARIOUS GROUPS, AND GUIDELINES FOR CONSULTATION PROVIDED BY THE UNIT ON REQUESTED LOCAL INVESTIGATIONS;

(c) TO REVIEW THE QUARTERLY REPORTS SUBMITTED PURSUANT TO SECTION 24-33.5-1706 (2) AND TO PROVIDE INPUT THEREON TO THE UNIT;

(d) TO REVIEW AND COMMENT ON THE PRELIMINARY BUDGET DRAFT FOR THE UNIT PRIOR TO ITS SUBMISSION TO THE DEPARTMENT OF PUBLIC SAFETY;

(e) TO SPECIFY THE INFORMATION TO BE CONTAINED IN PERIODIC PUBLIC DISCLOSURES OF PERFORMANCE DATA ON THE UNIT'S WORK AND RESULTS SO THAT THE ATTORNEY GENERAL, SHERIFFS, POLICE, DISTRICT ATTORNEYS, AND DEPOSITORY INSTITUTIONS AND THE PUBLIC CAN REVIEW THE EFFECT OF THE RESOURCES USED AND THE UNIT'S EFFORTS;

(f) TO DETERMINE PROCEDURES FOR REVIEWING THE SUCCESS OF THE UNIT;

(g) TO SET THE TIME, MANNER, AND PLACE FOR REGULAR AND SPECIAL MEETINGS OF THE BOARD;

(h) TO ADOPT AND, AS NECESSARY, AMEND OR REPEAL PROCEDURAL RULES AND PRACTICES OF THE BOARD NOT IN CONFLICT WITH THE CONSTITUTION AND LAWS OF THE STATE;

(i) TO ENTER INTO AND EXECUTE ALL CONTRACTS, LEASES, INTERGOVERNMENTAL AGREEMENTS, AND OTHER INSTRUMENTS, IN WRITING, AS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS PART 17;

(j) TO EXERCISE ALL POWERS NECESSARY AND REQUISITE FOR THE IMPLEMENTATION OF THIS PART 17; AND

(k) TO RECEIVE AND ACCEPT FROM ANY SOURCE AID OR CONTRIBUTIONS OF MONEY, PROPERTY, LABOR, OR OTHER THINGS OF VALUE TO BE HELD, USED, AND APPLIED TO CARRY OUT THE PURPOSES OF THIS PART 17.

24-33.5-1706. Unit - comprehensive plan - report to board. (1) (a) THE UNIT SHALL SUBMIT TO THE BOARD A COMPREHENSIVE PLAN OF OPERATIONS AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) WITHIN SIX MONTHS AFTER CREATION OF THE UNIT. THE BOARD SHALL PROVIDE A COPY OF THE PLAN TO THE ATTORNEY GENERAL, SHERIFFS, POLICE, DISTRICT ATTORNEYS, DEPOSITORY INSTITUTIONS, AND ANY ADVISORY COMMITTEE THE BOARD MAY CREATE AND SHALL SOLICIT COMMENTS AND SUGGESTIONS FROM SAID PARTIES CONCERNING THE PLAN. THE UNIT SHALL REVISE THE PLAN AS RECOMMENDED BY THE BOARD, AND THE BOARD SHALL APPROVE THE PLAN.

(b) THE UNIT'S COMPREHENSIVE PLAN OF OPERATIONS, AT A MINIMUM, SHALL DESCRIBE OR ADDRESS:

(I) THE MANNER IN WHICH THE UNIT WILL ACCOMPLISH THE TASKS SPECIFIED IN SECTION 24-33.5-1704 (3);

(II) THE UNIT, THE UNIT'S ORGANIZATION, THE FOCUS OF UNIT EFFORTS ON CRIMINAL ACTIVITY INTENDED TO BE ADDRESSED BY THIS PART 17, AND THE EXPECTED, OVERALL EFFECT OF THE EFFORTS OF THE UNIT;

(III) THE TYPES OF IDENTITY THEFT AND FINANCIAL FRAUD INVESTIGATION, ENFORCEMENT, AND PROSECUTION ACTIVITIES AND ASSISTANCE THE UNIT WILL PROVIDE AND HOW EACH WILL BE ORGANIZED INITIALLY AND OPERATED ON AN ONGOING BASIS;

(IV) THE ANTICIPATED NUMBER OF ATTORNEYS, INVESTIGATORS, AND SUPPORTING STAFF THE UNIT WILL NEED ON AN ON-GOING BASIS TO ACCOMPLISH ITS TASKS;

(V) A PLAN FOR COORDINATION AND COMMUNICATION THROUGHOUT THE STATE BY THE UNIT WITH POLICE DEPARTMENTS, SHERIFF'S DEPARTMENTS, DISTRICT ATTORNEYS, THE ATTORNEY GENERAL, AND DEPOSITORY INSTITUTIONS;

(VI) PERIODIC REPORTS TO THE BOARD AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

(2) THE UNIT SHALL SUBMIT QUARTERLY REPORTS TO THE BOARD ON THE FOLLOWING ITEMS:

(a) CRIMINAL ACTIVITIES, PATTERNS, AND TRENDS THROUGHOUT THE STATE AND SURROUNDING REGIONS IDENTIFIED BY THE UNIT;

(b) THE SPECIFIC FORMS OF IDENTITY THEFT AND FINANCIAL FRAUD IDENTIFIED BY THE UNIT AND THE EVOLUTION OF THOSE FORMS;

(c) INFORMATION DISSEMINATED BY THE UNIT ABOUT CURRENT AND ANTICIPATED PATTERNS OF IDENTITY THEFT AND FINANCIAL FRAUD CRIMES AND RECOMMENDATIONS TO DETER AND PROTECT AGAINST THESE CRIMES;

(d) CLASSES, BRIEFINGS, AND MATERIALS DISSEMINATED BY THE UNIT, IN PRINTED OR ELECTRONIC FORMAT, TO ASSIST LOCAL LAW ENFORCEMENT AGENCIES, DISTRICT ATTORNEYS, AND THE ATTORNEY GENERAL;

(e) CONSULTATION PROVIDED BY THE UNIT ON INDIVIDUAL CASES, REQUESTED LOCAL INVESTIGATIONS, AND RELATED ACTIVITIES AND RESULTS;

(f) THE NUMBER OF ARRESTS, INVESTIGATIONS, AND SUCCESSFUL AND UNSUCCESSFUL PROSECUTIONS FOR IDENTITY THEFT AND FINANCIAL FRAUD CRIMES AND THE EFFECT THAT THE UNIT HAD ON THE NUMBER OF IDENTITY THEFT AND FINANCIAL FRAUD CASES THROUGHOUT THE STATE;

(g) RECOMMENDATIONS FOR LEGISLATIVE CHANGES TO ASSIST IN THE PREVENTION OF IDENTITY THEFT AND FINANCIAL FRAUD CRIMES AND THE APPREHENSION AND PROSECUTION OF CRIMINALS COMMITTING SUCH CRIMES; AND

(h) OTHER ITEMS SPECIFIED BY THE BOARD.

24-33.5-1707. Funding - cash fund created - donations. (1) (a) THE DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS, INCLUDING IN-KIND DONATIONS FROM PRIVATE OR PUBLIC SOURCES, FOR THE PURPOSES OF THIS PART 17. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS BY THE DEPARTMENT OF PUBLIC SAFETY OR BY THE BOARD SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COLORADO IDENTITY THEFT AND FINANCIAL FRAUD CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS PART 17 AS THE "CASH FUND". THE CASH FUND SHALL ALSO INCLUDE THE MONEYS COLLECTED PURSUANT TO SUBSECTION (2) OF THIS SECTION. ANY MONEYS IN THE CASH FUND NOT EXPENDED FOR THE PURPOSE OF THIS PART 17 SHALL BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION 24-36-113. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE CASH FUND SHALL BE CREDITED TO THE CASH FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE CASH FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE CASH FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(b) THE DEPARTMENT OF PUBLIC SAFETY SHALL NOT BE REQUIRED TO SOLICIT GIFTS, GRANTS, OR DONATIONS FROM ANY SOURCE FOR THE PURPOSES OF THIS PART 17.

(2) (a) THERE IS HEREBY ESTABLISHED, BEGINNING AUGUST 1, 2006, A SURCHARGE OF THREE DOLLARS, IN ADDITION TO ALL OTHER LAWFUL CHARGES AND FEES, TO BE PAID ON EACH FILING ON EVERY ELECTRONIC OR PAPER UNIFORM COMMERCIAL CODE FILING WITH THE SECRETARY OF STATE. THE MONEYS COLLECTED BY THE SURCHARGE SHALL IMMEDIATELY BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE CASH FUND.

(b) THERE IS HEREBY ESTABLISHED, BEGINNING AUGUST 1, 2006, A SURCHARGE OF ONE HUNDRED DOLLARS TO BE PAID ON EACH SUPERVISED LENDER LICENSE, EACH SUPERVISED LENDER BRANCH LICENSE, AND EACH RENEWAL OF THOSE LICENSES ISSUED BY THE UNIFORM CONSUMER CREDIT OFFICE IN THE ATTORNEY GENERAL'S OFFICE, IN ADDITION TO ALL OTHER LAWFUL CHARGES AND FEES ON EVERY SUCH LICENSE ISSUED. THE MONEYS COLLECTED BY THE SURCHARGE SHALL IMMEDIATELY BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE CASH FUND.

(c) THERE IS HEREBY ESTABLISHED, BEGINNING AUGUST 1, 2006, A SURCHARGE OF FIVE HUNDRED DOLLARS TO BE PAID ON EACH MONEY TRANSMITTER LICENSE AND EACH MONEY TRANSMITTER RENEWAL ISSUED BY THE DIVISION OF BANKING IN THE DEPARTMENT OF REGULATORY AGENCIES, IN ADDITION TO ALL OTHER LAWFUL CHARGES AND FEES ON EVERY SUCH LICENSE ISSUED. THE MONEYS COLLECTED BY THE SURCHARGE SHALL IMMEDIATELY BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE CASH FUND.

24-33.5-1708. Repeal of part. (1) THIS PART 17 IS REPEALED, EFFECTIVE JULY 1, 2011.

(2) PRIOR TO SAID REPEAL, THE BOARD AND THE UNIT SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104.

SECTION 2. 24-1-128.6, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-1-128.6. Department of public safety - creation. (6) THE IDENTITY THEFT AND FINANCIAL FRAUD BOARD, CREATED BY SECTION 24-33.5-1703, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY.

SECTION 3. 24-34-104 (42), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (42) The following agencies, functions, or both, shall terminate on July 1, 2011:

(m) THE IDENTITY THEFT AND FINANCIAL FRAUD BOARD AND THE IDENTITY THEFT AND FINANCIAL FRAUD DETERRENCE UNIT CREATED IN PART 17 OF ARTICLE 33.5 OF THIS TITLE.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado identity theft and financial fraud cash fund created in section 24-33.5-1707, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2006, the sum of three hundred seventy-eight thousand four hundred thirty-five dollars (\$378,435) and 3.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. 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, 2006