

CHAPTER 392

CRIMINAL LAW AND PROCEDURE

SENATE BILL 14-176

BY SENATOR(S) Johnston, Guzman, Heath, Herpin, Kerr, King, Newell, Rivera, Todd;
also REPRESENTATIVE(S) Murray and Court, Kagan, Labuda, Lawrence, Pabon, Primavera, Saine, Waller, Williams.

AN ACT

CONCERNING CRIMES RELATED TO ENTITIES THAT TRADE IN STOLEN VEHICLES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 18-4-420 as follows:

18-4-420. Chop shop activity - ownership or operation of a chop shop - altered or removed identification number - penalties - definitions. (1) A PERSON COMMITS OWNERSHIP OR OPERATION OF A CHOP SHOP IF HE OR SHE KNOWINGLY:

(a) OWNS OR OPERATES A CHOP SHOP, KNOWING THAT IT IS A CHOP SHOP, OR CONSPIRES WITH ANOTHER PERSON TO OWN OR OPERATE A CHOP SHOP, KNOWING THAT IT IS A CHOP SHOP;

(b) TRANSPORTS AN UNLAWFULLY OBTAINED MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART TO OR FROM A CHOP SHOP, KNOWING THAT IT IS A CHOP SHOP; OR

(c) SELLS OR TRANSFERS TO, OR PURCHASES OR RECEIVES FROM, A CHOP SHOP, KNOWING THAT IT IS A CHOP SHOP, AN UNLAWFULLY OBTAINED MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART.

(2) A VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION IS A CLASS 4 FELONY. A VIOLATION OF PARAGRAPH (b) OR (c) OF SUBSECTION (1) OF THIS SECTION IS A CLASS 5 FELONY.

(3) (a) A PERSON COMMITS ALTERING OR REMOVING A VEHICLE IDENTIFICATION

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

NUMBER IF HE OR SHE KNOWINGLY:

(I) REMOVES, CHANGES, ALTERS, COUNTERFEITS, DEFACES, DESTROYS, DISGUISES, FALSIFIES, FORGES, OR OBLITERATES THE VEHICLE IDENTIFICATION NUMBER, MANUFACTURER'S NUMBER, OR ENGINE NUMBER OF A MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART WITH AN INTENT TO MISREPRESENT THE IDENTITY OR PREVENT THE IDENTIFICATION OF A MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART; OR

(II) POSSESSES, PURCHASES, DISPOSES OF, SELLS, OR TRANSFERS A MOTOR VEHICLE OR A MAJOR COMPONENT MOTOR VEHICLE PART WITH KNOWLEDGE THAT IT CONTAINS A REMOVED, CHANGED, ALTERED, COUNTERFEITED, DEFACED, DESTROYED, DISGUISED, FALSIFIED, FORGED, OR OBLITERATED VEHICLE IDENTIFICATION NUMBER, MANUFACTURER'S NUMBER, OR ENGINE NUMBER UNLESS SUCH MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART IS OTHERWISE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 42-5-110, C.R.S.

(b) THIS SUBSECTION (3) DOES NOT APPLY TO A PRIVATE PARTY OR TO AN AGENT OF A PRIVATE PARTY THAT IS ACTING WITH THE AUTHORIZATION OF A LAW ENFORCEMENT AGENCY TO LAWFULLY SEIZE, RETAIN, RECYCLE, TRANSPORT, OR OTHERWISE DISPOSE OF A MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART WITH A VEHICLE IDENTIFICATION NUMBER, MANUFACTURER NUMBER, OR ENGINE NUMBER THAT IS REMOVED, CHANGED, ALTERED, COUNTERFEITED, DEFACED, DESTROYED, DISGUISED, FALSIFIED, FORGED, OR OBLITERATED.

(4) ALTERING OR REMOVING A VEHICLE IDENTIFICATION NUMBER IS A CLASS 5 FELONY.

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CHOP SHOP" MEANS ANY BUILDING, LOT, FACILITY, OR OTHER STRUCTURE OR PREMISE WHERE:

(I) ANY PERSON OR PERSONS POSSESS, RECEIVE, STORE, DISASSEMBLE, OR ALTER, INCLUDING THE ALTERATION OR CONCEALMENT OF ANY IDENTIFYING FEATURE OR NUMBER, AN UNLAWFULLY OBTAINED MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART FOR THE PURPOSE OF USING, SELLING, OR DISPOSING OF THE MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART; OR

(II) TWO OR MORE UNLAWFULLY OBTAINED MOTOR VEHICLES ARE PRESENT FOR THE PURPOSE OF ALTERATION, SALE, OR DISPOSAL; OR

(III) SIX OR MORE UNLAWFULLY OBTAINED MAJOR COMPONENT MOTOR VEHICLE PARTS FROM TWO OR MORE MOTOR VEHICLES ARE PRESENT FOR THE PURPOSE OF ALTERATION, SALE, OR DISPOSAL.

(b) "MAJOR COMPONENT MOTOR VEHICLE PART" MEANS ANY OF THE FOLLOWING PARTS OF A MOTOR VEHICLE:

(I) THE ENGINE;

(II) THE TRANSMISSION;

(III) A FRONT FENDER;

(IV) THE HOOD;

(V) ANY DOOR ALLOWING ENTRANCE TO OR EGRESS FROM THE PASSENGER COMPARTMENT OF THE VEHICLE;

(VI) THE FRONT OR REAR BUMPER;

(VII) A REAR QUARTER PANEL;

(VIII) THE DECK LID, TAILGATE, OR HATCHBACK;

(IX) THE TRUNK FLOOR PAN;

(X) THE CARGO BOX OF A PICKUP TRUCK;

(XI) THE FRAME, OR IF THE VEHICLE HAS A UNITIZED BODY, THE SUPPORTING STRUCTURE OR STRUCTURES THAT SERVE AS THE FRAME;

(XII) THE CAB OF A TRUCK;

(XIII) THE BODY OF A PASSENGER VEHICLE;

(XIV) AN AIRBAG OR AIRBAG ASSEMBLY;

(XV) A WHEEL OR TIRE; OR

(XVI) ANY OTHER PART OF A MOTOR VEHICLE THAT IS COMPARABLE IN DESIGN OR FUNCTION TO ANY OF THE PARTS THAT HAVE BEEN LISTED, OR THAT HAVE BEEN LABELED WITH A UNIQUE TRACEABLE IDENTIFICATION NUMBER, BY THE MANUFACTURER OF THE MOTOR VEHICLE OR PART.

(c) "MOTOR VEHICLE" MEANS ALL VEHICLES OF WHATEVER DESCRIPTION THAT ARE PROPELLED BY ANY POWER OTHER THAN MUSCULAR POWER; EXCEPT THAT "MOTOR VEHICLE" DOES NOT INCLUDE VEHICLES THAT RUN ON RAILS.

(d) "UNLAWFULLY OBTAINED" MEANS OBTAINED BY THEFT, FRAUD, OR DECEIT OR OBTAINED WITHOUT THE PERMISSION OF THE OWNER.

SECTION 2. In Colorado Revised Statutes, **repeal** 42-5-102.

SECTION 3. In Colorado Revised Statutes, **add** 17-18-116 as follows:

17-18-116. Appropriation to comply with section 2-2-703 - SB 14-176 - repeal. (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 SENATE BILL 14-176, ENACTED IN 2014:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-ONE THOUSAND FOUR HUNDRED EIGHTY-FOUR DOLLARS (\$21,484).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FORTY-TWO THOUSAND NINE HUNDRED SIXTY-EIGHT DOLLARS (\$42,968).

(c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-FOUR THOUSAND FOUR HUNDRED FIFTY-TWO DOLLARS (\$64,452).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF EIGHTY-TWO THOUSAND FIVE HUNDRED THIRTY-FOUR DOLLARS (\$82,534).

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act.

Approved: June 6, 2014