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Amending 40-14-7 and 40-14-23, Colorado Revised Statutes 1963, Concerning the Unlawful Use of Credit

Colorado General Assembly

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CHAPTER 119

CRIMES AND PUNISHMENTS

UNLAWFUL USE OF CREDIT

Senate Bill No. 242. By Senators Shoemaker, Plock, Vollack, Garnsey, Locke, Minister, Noble, and Stockton; also Representatives Cole, Strahle, Baer, Benavidez, Bishop, Carroll, Davidson, DeMoulin, Edmonds, Farley, Gallagher, Gustafson, Hamilton, Horst, R. Jackson, Kirscht, Knox, Kopel, Koster, Lamm, Mullen, Safran, Sooter, Stonebraker, Strang, Valdez, and Wells.

A N A C T

AMENDING 40-14-7 and 40-14-23, COLORADO REVISED STATUTES 1963, CONCERNING THE UNLAWFUL USE OF CREDIT.

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

Section 1. 40-14-7, Colorado Revised Statutes 1963, is amended to read:

40-14-7. Purchase under fictitious name — penalty. (1) Every person who shall purchase goods, wares, SERVICES, or merchandise upon credit under an assumed or fictitious name with intent to cheat or defraud the seller or ~~vender~~ **ISSUER, WHERE THE AMOUNT INVOLVED IS LESS THAN ONE HUNDRED DOLLARS**, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. **EVERY PERSON WHO SHALL PURCHASE GOODS, WARES, SERVICES, OR MERCHANDISE UPON CREDIT UNDER AN ASSUMED OR FICTITIOUS NAME WITH INTENT TO CHEAT OR DEFRAUD THE SELLER OR ISSUER, WHERE THE AMOUNT INVOLVED IS ONE HUNDRED DOLLARS OR MORE IN A SINGLE PURCHASE OR DURING ANY THIRTY-DAY PERIOD FROM ESTABLISHMENTS IN THE STATE OF COLORADO, SHALL BE GUILTY OF A FELONY AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN ONE THOUSAND NOR MORE THAN FIVE THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE STATE PENITENTIARY FOR NOT LESS THAN ONE NOR MORE THAN FIVE YEARS, OR BY BOTH SUCH FINE AND IMPRISONMENT.**

(2) ANY PERSON WHO WITHOUT AUTHORITY SIGNS THE NAME OF ANOTHER PERSON TO WHOM A CREDIT CARD WAS ISSUED, IN CONNECTION WITH A CREDIT TRANSACTION, WITH INTENT TO CHEAT OR DEFRAUD, SHALL BE GUILTY OF A FEL-

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

ONLY AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY IMPRISONMENT IN THE STATE PENITENTIARY FOR A PERIOD OF NOT LESS THAN ONE NOR MORE THAN TEN YEARS.

Section 2. 40-14-21, Colorado Revised Statutes 1963, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

40-14-21. Fraudulent use of credit device. (1) As used in sections 40-14-21 to 40-14-23:

(a) "Credit card" means a writing or other evidence of an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or the bearer.

(b) "Credit device" includes any credit card, credit number, telephone number, or other number or designation, and any letter, certificate, form, plate, or other tangible thing designed for use, or commonly used, as a means of obtaining credit or of obtaining goods or services on credit.

(2) A person commits fraudulent use of a credit device if he uses a credit device for the purpose of obtaining credit, property, or services, with intent to defraud and with knowledge that:

(a) The credit device is stolen or forged; or

(b) The credit device has expired, has been revoked, or has been canceled; or

(c) For any other reason his use of the credit device is unauthorized either by the issuer of the credit card or other credit device or by the person to whom it is issued.

(3) If the credit, property, or services obtained have a value of one hundred dollars or more, fraudulent use of a credit device is a felony punishable by imprisonment in the state penitentiary for not less than one year nor more than ten years.

(4) If the credit, property, or services sought to be obtained have a value of less than one hundred dollars, fraudulent use of a credit device is a misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than one thousand dollars or imprisonment in the county jail for not less than three months nor more than one year, or by both such fine and imprisonment.

(5) The total value of property, or service obtained by the fraudulent use of a single credit device within a six-month period shall be the value referred to in subsections (3) and (4) of this section.

Section 3. 40-14-22, Colorado Revised Statutes 1963, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

40-14-22. Theft of credit device. A person who steals, takes, or removes a credit card or other credit device from the person or possession of the person to whom it is issued, with intent to use, deliver, circulate, or sell it without the consent of the person to whom it is issued, or with intent to cause it to be so used, delivered, circulated, or sold commits a misdemeanor, punishable by a fine of not less than two hundred fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months nor more than one year, or by both such fine and imprisonment.

Section 4. 40-14-23, Colorado Revised Statutes 1963, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

40-14-23. Criminal possession of credit device. A person who has in his possession or under his control or receives from another person, with intent to use, deliver, circulate, or sell it or with intent to cause the use, delivery, circulation, or sale of it, any credit card or other credit device which he knows or reasonably should know to be forged, altered, counterfeited, spurious, or stolen, commits a misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months nor more than one year, or by both such fine and imprisonment.

Section 5. Article 14 of chapter 40, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

40-14-29. Forgery of credit device. Any person who falsely makes, completes, or alters a written instrument which is or purports to be, or which is calculated to become or represent if completed, a credit card, is guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars or by imprisonment in the state penitentiary for a term of not less than nor more than five years, or by both such fine and imprisonment.

Section 6. Effective date — applicability. This act shall take effect July 1, 1971, and shall apply only to violations alleged to have been committed on or after such date.

Section 7. 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 2, 1971