

13-2001. Definitions

In this chapter, unless the context otherwise requires:

1. "Access device" means any card, token, code, account number, electronic serial number, mobile or personal identification number, password, encryption key, biometric identifier or other means of account access, including a canceled or revoked access device, that can be used alone or in conjunction with another access device to obtain money, goods, services, computer or network access or any other thing of value or that can be used to initiate a transfer of any thing of value.

2. "Coin machine" means a coin box, turnstile, vending machine or other mechanical, electrical or electronic device or receptacle that is designed to receive a coin or bill of a certain denomination or a token made for such purpose and that, in return for the insertion or deposit of the coin, bill or token, automatically offers, provides, assists in providing or permits the acquisition or use of some property or service.

3. "Complete written instrument" means a written instrument that purports to be genuine and fully drawn with respect to every essential feature.

4. "Entity identifying information" includes, if the entity is a person other than a human being, any written document or electronic data that does or purports to provide information concerning the entity's name, address, telephone number, employer identification number, account number or electronic serial number, the identifying number of the entity's depository account or any other information or data that is unique to, assigned to or belongs to the entity and that is intended to be used to access services, funds or benefits of any kind that the entity owns or to which the entity is entitled.

5. "Falsely alters a written instrument" means to change a complete or incomplete written instrument, without the permission of anyone entitled to grant it, by means of counterfeiting, washing, erasure, obliteration, deletion, insertion of new matter, connecting together different parts of the whole of more than one genuine instrument or transposition of matter or in any other manner, so that the altered instrument falsely appears or purports to be in all respects an authentic creation of its ostensible maker or authorized by him.

6. "Falsely completes a written instrument" means to transform an incomplete written instrument into a complete one by adding, inserting or changing matter without the permission of anyone entitled to grant it, so that the complete written instrument falsely appears or purports to be in all respects an authentic creation of its ostensible maker or authorized by him.

7. "Falsely makes a written instrument" means to make or draw a complete or incomplete written instrument that purports to be an authentic creation of its ostensible maker but that is not either because the ostensible maker is fictitious, or because, if real, the ostensible maker did not authorize the making or drawing of the written instrument.

8. "Forged instrument" means a written instrument that has been falsely made, completed or altered.

9. "Incomplete written instrument" means a written instrument that contains some matter by way of content or authentication but that requires additional matter to render it a complete written instrument.

10. "Personal identifying information" means any written document or electronic data that does or purports to provide information concerning a name, signature, electronic identifier or screen name, electronic mail signature, address or account, biometric identifier, driver or professional license number, access device, residence or mailing address, telephone number,

employer, student or military identification number, social security number, tax identification number, employment information, citizenship status or alien identification number, personal identification number, photograph, birth date, savings, checking or other financial account number, credit card, charge card or debit card number, mother's maiden name, fingerprint or retinal image, the image of an iris or deoxyribonucleic acid or genetic information.

11. "Slug" means an object, article or device that by virtue of its size, its shape or any other quality is capable of being inserted, deposited or otherwise used in a coin machine as a fraudulent substitute for a genuine token, lawful coin or bill of the United States.

12. "Written instrument" means either:

(a) Any paper, document or other instrument that contains written or printed matter or its equivalent.

(b) Any token, stamp, seal, badge, trademark, graphical image, access device or other evidence or symbol of value, right, privilege or identification.

13-2002. Forgery; classification

A. A person commits forgery if, with intent to defraud, the person:

1. Falsely makes, completes or alters a written instrument; or
2. Knowingly possesses a forged instrument; or
3. Offers or presents, whether accepted or not, a forged instrument or one that contains false information.

B. The possession of five or more forged instruments may give rise to an inference that the instruments are possessed with an intent to defraud.

C. Forgery is a class 4 felony, except that if the forged instrument is used in connection with the purchase, lease or renting of a dwelling that is used as a drop house, it is a class 3 felony. For the purposes of this subsection, "drop house" means property that is used to facilitate smuggling pursuant to section 13-2319.

13-2003. Criminal possession of a forgery device; classification

A. A person commits criminal possession of a forgery device if the person either:

1. Makes or possesses with knowledge of its character and with intent to commit fraud any plate, die, or other device, apparatus, equipment, software, access device, article, material, good, property or supply specifically designed or adapted for use in forging written instruments.

2. Makes or possesses any device, apparatus, equipment, software, access device, article, material, good, property or supply adaptable for use in forging written instruments with intent to use it or to aid or permit another to use it for purposes of forgery.

B. Subsection A, paragraph 1 does not apply to peace officers or prosecutors in the performance of their duties.

C. A violation of subsection A, paragraph 1 is a class 6 felony. A violation of subsection A, paragraph 2 is a class 5 felony.

13-2004. Criminal simulation; classification

A. A person commits criminal simulation if, with intent to defraud, such person makes, alters, or presents or offers, whether accepted or not, any object so that it appears to have an antiquity, rarity, source, authorship or value that it does not in fact possess.

B. Criminal simulation is a class 6 felony.

13-2005. Obtaining a signature by deception; classification

A. A person commits obtaining a signature by deception if, with intent to defraud, such person obtains the signature of another person to a written instrument by knowingly misrepresenting or omitting any fact material to the instrument or transaction.

B. Obtaining a signature by deception is a class 1 misdemeanor.

13-2006. Criminal impersonation; classification

A. A person commits criminal impersonation by:

1. Assuming a false identity with the intent to defraud another; or
2. Pretending to be a representative of some person or organization with the intent to defraud; or
3. Pretending to be, or assuming a false identity of, an employee or a representative of some person or organization with the intent to induce another person to provide or allow access to property. This paragraph does not apply to peace officers in the performance of their duties.

B. Criminal impersonation is a class 6 felony.

13-2007. Unlawful use of slugs; classification

A. A person commits unlawful use of slugs if:

1. With intent to defraud the supplier of property or a service sold or offered by means of a coin machine, such person inserts, deposits or otherwise uses a slug in such machine; or
2. Such person makes, possesses, offers for sale or disposes of a slug with intent to enable a person to use it fraudulently in a coin machine.

B. Unlawful use of slugs is a class 2 misdemeanor.

13-2008. Taking identity of another person or entity; classification

A. A person commits taking the identity of another person or entity if the person knowingly takes, purchases, manufactures, records, possesses or uses any personal identifying information or entity identifying information of another person or entity, including a real or fictitious person or entity, without the consent of that other person or entity, with the intent to obtain or use the other person's or entity's identity for any unlawful purpose or to cause loss to a person or entity whether or not the person or entity actually suffers any economic loss as a result of the offense, or with the intent to obtain or continue employment.

B. On the request of a person or entity, a peace officer in any jurisdiction in which an element of an offense under this section is committed, a result of an offense under this section occurs or the person or entity whose identity is taken or accepted resides or is located shall take a report. The peace officer may provide a copy of the report to any other law enforcement agency that is located in a jurisdiction in which a violation of this section occurred.

C. If a defendant is alleged to have committed multiple violations of this section within the same county, the prosecutor may file a complaint charging all of the violations and any related charges under other sections that have not been previously filed in any precinct in which a violation is alleged to have occurred. If a defendant is alleged to have committed multiple violations of this section within the state, the prosecutor may file a complaint charging all of the violations and any related charges under other sections that have not been previously filed in any county in which a violation is alleged to have occurred.

D. This section does not apply to a violation of section 4-241 by a person who is under twenty-one years of age.

E. Taking the identity of another person or entity is a class 4 felony.

13-2009. Aggravated taking identity of another person or entity; knowingly accepting the identity of another person; classification

A. A person commits aggravated taking the identity of another person or entity if the person knowingly takes, purchases, manufactures, records, possesses or uses any personal identifying information or entity identifying information of either:

1. Three or more other persons or entities, including real or fictitious persons or entities, without the consent of the other persons or entities, with the intent to obtain or use the other persons' or entities' identities for any unlawful purpose or to cause loss to the persons or entities whether or not the persons or entities actually suffer any economic loss.

2. Another person or entity, including a real or fictitious person or entity, without the consent of that other person or entity, with the intent to obtain or use the other person's or entity's identity for any unlawful purpose and causes another person or entity to suffer an economic loss of one thousand dollars or more.

3. Another person, including a real or fictitious person, with the intent to obtain employment.

B. A person commits knowingly accepting the identity of another person if the person, in hiring an employee, knowingly does both of the following:

1. Accepts any personal identifying information of another person from an individual and knows that the individual is not the actual person identified by that information.

2. Uses that identity information for the purpose of determining whether the individual who presented that identity information has the legal right or authorization under federal law to work in the United States as described and determined under the processes and procedures under 8 United States Code section 1324a.

C. In an action for aggravated taking the identity of another person or entity under subsection A, paragraph 1 of this section, proof of possession out of the regular course of business of the personal identifying information or entity identifying information of three or more other persons or entities may give rise to an inference that the personal identifying information or entity identifying information of the three or more other persons or entities was possessed for an unlawful purpose.

D. This section does not apply to a violation of section 4-241 by a person who is under twenty-one years of age.

E. Aggravated taking the identity of another person or entity or knowingly accepting the identity of another person is a class 3 felony.

13-2010. Trafficking in the identity of another person or entity; classification

A. A person commits trafficking in the identity of another person or entity if the person knowingly sells, transfers or transmits any personal identifying information or entity identifying information of another person or entity, including a real or fictitious person or entity, without the consent of the other person or entity for any unlawful purpose or to cause loss to the person or entity whether or not the other person or entity actually suffers any economic loss, or allowing another person to obtain or continue employment.

B. This section does not apply to a violation of section 4-241 by a person who is under twenty-one years of age.

C. Trafficking in the identity of another person or entity is a class 2 felony.

13-2011. Admission tickets; fraudulent creation or possession; classification

A. It is unlawful for a person, with intent to defraud, to forge, alter or possess any ticket, token or paper that is designed for admission to or for the rendering of services by any sports, amusement, concert or other facility that offers services to the general public.

B. A person who violates this section is guilty of a class 1 misdemeanor.