

Effective 5/10/2016

Superseded 5/3/2023

76-6-501 Forgery and producing false identification -- Elements of offense -- Definitions.

(1) As used in this part:

- (a) "Authentication feature" means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified.
- (b) "Document-making implement" means any implement, impression, template, computer file, computer disc, electronic device, computer hardware or software, or scanning, printing, or laminating equipment that is specifically configured or primarily used for making an identification document, a false identification document, or another document-making implement.
- (c) "False authentication feature" means an authentication feature that:
 - (i) is genuine in origin but that, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;
 - (ii) is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made identification document, document-making implement, or means of identification to which the authentication feature is intended to be affixed or embedded by the issuing authority; or
 - (iii) appears to be genuine, but is not.
- (d) "False identification document" means a document of a type intended or commonly accepted for the purposes of identification of individuals, and that:
 - (i) is not issued by or under the authority of a governmental entity or was issued under the authority of a governmental entity but was subsequently altered for purposes of deceit; and
 - (ii) appears to be issued by or under the authority of a governmental entity.
- (e) "Governmental entity" means the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental organization, or a quasi-governmental organization.
- (f) "Identification document" means a document made or issued by or under the authority of a governmental entity, which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.
- (g) "Issuing authority" means:
 - (i) any governmental entity that is authorized to issue identification documents, means of identification, or authentication features; or
 - (ii) a business organization or financial institution or its agent that issues a financial transaction card as defined in Section 76-6-506.
- (h) "Means of identification" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including:
 - (i) name, social security number, date of birth, government issued driver license or identification number, alien registration number, government passport number, or employer or taxpayer identification number;
 - (ii) unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation; or
 - (iii) unique electronic identification number, address, or routing code.

- (i) "Personal identification card" means an identification document issued by a governmental entity solely for the purpose of identification of an individual.
- (j) "Produce" includes altering, authenticating, or assembling.
- (k) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other commonwealth, possession, or territory of the United States.
- (l) "Traffic" means to:
 - (i) transport, transfer, or otherwise dispose of an item to another, as consideration for anything of value; or
 - (ii) make or obtain control of with intent to transport, transfer, or otherwise dispose of an item to another.
- (m) "Writing" includes printing, electronic storage or transmission, or any other method of recording valuable information including forms such as:
 - (i) checks, tokens, stamps, seals, credit cards, badges, trademarks, money, and any other symbols of value, right, privilege, or identification;
 - (ii) a security, revenue stamp, or any other instrument or writing issued by a government or any agency; or
 - (iii) a check, an issue of stocks, bonds, or any other instrument or writing representing an interest in or claim against property, or a pecuniary interest in or claim against any person or enterprise.
- (2) A person is guilty of forgery if, with purpose to defraud anyone, or with knowledge that the person is facilitating a fraud to be perpetrated by anyone, the person:
 - (a) alters any writing of another without his authority or utters the altered writing; or
 - (b) makes, completes, executes, authenticates, issues, transfers, publishes, or utters any writing so that the writing or the making, completion, execution, authentication, issuance, transference, publication, or utterance:
 - (i) purports to be the act of another, whether the person is existent or nonexistent;
 - (ii) purports to be an act on behalf of another party with the authority of that other party; or
 - (iii) purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when an original did not exist.
- (3) It is not a defense to a charge of forgery under Subsection (2)(b)(ii) if an actor signs his own name to the writing if the actor does not have authority to make, complete, execute, authenticate, issue, transfer, publish, or utter the writing on behalf of the party for whom the actor purports to act.
- (4) A person is guilty of producing or transferring any false identification document who:
 - (a) knowingly and without lawful authority produces, attempts, or conspires to produce an identification document, authentication feature, or a false identification document that is or appears to be issued by or under the authority of an issuing authority;
 - (b) transfers, or possesses with intent to transfer, an identification document, authentication feature, or a false identification document knowing that the document or feature was stolen or produced without lawful authority;
 - (c) produces, transfers, or possesses a document-making implement or authentication feature with the intent that the document-making implement or the authentication feature be used in the production of a false identification document or another document-making implement or authentication feature; or
 - (d) traffics in false or actual authentication features for use in false identification documents, document-making implements, or means of identification.
- (5) A person who violates:
 - (a) Subsection (2) is guilty of a third degree felony; and

- (b) Subsection (4) is guilty of a second degree felony.
- (6) This part may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
- (7) The forfeiture of property under this part, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act.
- (8) The court shall order, in addition to the penalty prescribed for any person convicted of a violation of this section, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, false transaction cards, document-making implements, or means of identification.