

FORGERY AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas C. Aagard

Senate Sponsor: Darin G. Peterson

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding elements of the offense of forgery.

Highlighted Provisions:

This bill:

▶ provides that the crime of forgery includes situations where a person, acting with the intent to defraud, makes a writing and claims to be representing a third party and claims to have the third party's consent; and

▶ also provides that this offense includes a writing the person signs with his or her own name when the person does not have authority to sign the writing.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-501, as last amended by Chapter 205, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-6-501** is amended to read:

76-6-501. Forgery -- Elements of offense -- "Writing" defined.



28 (1) As used in this section, "writing" includes printing, electronic storage or
29 transmission, or any other method of recording valuable information including forms such as:

30 (a) checks, tokens, stamps, seals, credit cards, badges, trademarks, money, and any
31 other symbols of value, right, privilege, or identification;

32 (b) a security, revenue stamp, or any other instrument or writing issued by a
33 government or any agency; or

34 (c) a check, an issue of stocks, bonds, or any other instrument or writing representing
35 an interest in or claim against property, or a pecuniary interest in or claim against any person or
36 enterprise.

37 ~~[(+)]~~ (2) A person is guilty of forgery if, with purpose to defraud anyone, or with
38 knowledge that he is facilitating a fraud to be perpetrated by anyone, he:

39 (a) alters any writing of another without his authority or utters ~~[any such]~~ the altered
40 writing; or

41 (b) makes, completes, executes, authenticates, issues, transfers, publishes, or utters any
42 writing so that the writing or the making, completion, execution, authentication, issuance,
43 transference, publication, or utterance;

44 (i) purports to be the act of another, whether the person is existent or nonexistent~~[-or]~~;

45 (ii) purports to be an act on behalf of another party with the authority of that other
46 party; or

47 (iii) purports to have been executed at a time or place or in a numbered sequence other
48 than was in fact the case, or to be a copy of an original when ~~[no such]~~ an original ~~[existed]~~ did
49 not exist.

50 ~~[(2) As used in this section, "writing" includes printing, electronic storage or~~
51 ~~transmission, or any other method of recording valuable information including forms such as:]~~

52 ~~[(a) checks, tokens, stamps, seals, credit cards, badges, trademarks, money, and any~~
53 ~~other symbols of value, right, privilege, or identification;]~~

54 ~~[(b) a security, revenue stamp, or any other instrument or writing issued by a~~
55 ~~government or any agency; or]~~

56 ~~[(c) a check, an issue of stocks, bonds, or any other instrument or writing representing~~
57 ~~an interest in or claim against property, or a pecuniary interest in or claim against any person or~~
58 ~~enterprise.]~~

59 (3) It is not a defense to a charge of forgery under Subsection (2)(b)(ii) if an actor signs
60 his own name to the writing if the actor does not have authority to make, complete, execute,
61 authenticate, issue, transfer, publish, or utter the writing on behalf of the party for whom the
62 actor purports to act.

63 ~~(3)~~ (4) Forgery is a third degree felony ~~[of the third degree].~~

Legislative Review Note
as of 12-21-06 1:10 PM

Office of Legislative Research and General Counsel

H.B. 83 - Forgery Amendments

Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/11/2007, 2:50:28 PM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst