

FORGERY LAW AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: Michael T. Morley

LONG TITLE

General Description:

This bill modifies the Criminal Code's forgery statutes relating to the production of false identification without lawful authority.

Highlighted Provisions:

This bill:

▶ provides a penalty of a second degree felony for a person guilty of producing or transferring false identification documents who:

- 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 a governmental entity;

- transfers an identification document, authentication feature, or a false identification document knowing that the document or feature was stolen or produced without lawful authority;

- 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

- traffics in false or actual authentication features for use in false identification documents, document-making implements, or means of identification;

- ▶ provides exceptions for an authorized law enforcement agency; and

- ▶ provides for the forfeiture, destruction, or other disposition of all illicit

30 authentication features, identification documents, document-making implements, or means of
31 identification.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **76-6-501**, as last amended by Laws of Utah 2007, Chapter 141



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

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

42 **76-6-501. Forgery and producing false identification -- Elements of offense --**

43 **Definitions.**

44 (1) As used in this ~~[section, "writing"]~~ part:

45 (a) "Authentication feature" means any hologram, watermark, certification, symbol,
46 code, image, sequence of numbers or letters, or other feature that either individually or in
47 combination with another feature is used by the issuing authority on an identification
48 document, document-making implement, or means of identification to determine if the
49 document is counterfeit, altered, or otherwise falsified.

50 (b) "Document-making implement" means any implement, impression, template,
51 computer file, computer disc, electronic device, computer hardware or software, or scanning,
52 printing, or laminating equipment that is specifically configured or primarily used for making
53 an identification document, a false identification document, or another document-making
54 implement.

55 (c) "False authentication feature" means an authentication feature that:

56 (i) is genuine in origin but that, without the authorization of the issuing authority, has
57 been tampered with or altered for purposes of deceit;

58 (ii) is genuine, but has been distributed, or is intended for distribution, without the
59 authorization of the issuing authority and not in connection with a lawfully made identification
60 document, document-making implement, or means of identification to which the authentication
61 feature is intended to be affixed or embedded by the issuing authority; or

62 (iii) appears to be genuine, but is not.

63 (d) "False identification document" means a document of a type intended or commonly
64 accepted for the purposes of identification of individuals, and that:

65 (i) is not issued by or under the authority of a governmental entity or was issued under
66 the authority of a governmental entity but was subsequently altered for purposes of deceit; and

67 (ii) appears to be issued by or under the authority of a governmental entity.

68 (e) "Governmental entity" means the United States government, a state, a political
69 subdivision of a state, a foreign government, a political subdivision of a foreign government, an
70 international governmental organization, or a quasi-governmental organization.

71 (f) "Identification document" means a document made or issued by or under the
72 authority of a governmental entity, which, when completed with information concerning a
73 particular individual, is of a type intended or commonly accepted for the purpose of
74 identification of individuals.

75 (g) "Issuing authority" means:

76 (i) any governmental entity that is authorized to issue identification documents, means
77 of identification, or authentication features; or

78 (ii) a business organization or financial institution or its agent that issues a financial
79 transaction card as defined in Section 76-6-506.

80 (h) "Means of identification" means any name or number that may be used, alone or in
81 conjunction with any other information, to identify a specific individual, including:

82 (i) name, Social Security number, date of birth, government issued driver license or
83 identification number, alien registration number, government passport number, or employer or
84 taxpayer identification number;

85 (ii) unique biometric data, such as fingerprint, voice print, retina or iris image, or other

86 unique physical representation; or

87 (iii) unique electronic identification number, address, or routing code.

88 (i) "Personal identification card" means an identification document issued by a
89 governmental entity solely for the purpose of identification of an individual.

90 (j) "Produce" includes altering, authenticating, or assembling.

91 (k) "State" includes any state of the United States, the District of Columbia, the
92 Commonwealth of Puerto Rico, and any other commonwealth, possession, or territory of the
93 United States.

94 (l) "Traffic" means to:

95 (i) transport, transfer, or otherwise dispose of an item to another, as consideration for
96 anything of value; or

97 (ii) make or obtain control of with intent to transport, transfer, or otherwise dispose of
98 an item to another.

99 (m) "Writing" includes printing, electronic storage or transmission, or any other
100 method of recording valuable information including forms such as:

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

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

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

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

110 (a) alters any writing of another without his authority or utters the altered writing; or

111 (b) makes, completes, executes, authenticates, issues, transfers, publishes, or utters any
112 writing so that the writing or the making, completion, execution, authentication, issuance,
113 transference, publication, or utterance:

114 (i) purports to be the act of another, whether the person is existent or nonexistent;

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

117 (iii) purports to have been executed at a time or place or in a numbered sequence other
118 than was in fact the case, or to be a copy of an original when an original did not exist.

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

123 [~~(4) Forgery is a third degree felony.~~]

124 (4) A person is guilty of producing or transferring any false identification document
125 who:

126 (a) knowingly and without lawful authority produces, attempts, or conspires to produce
127 an identification document, authentication feature, or a false identification document that is or
128 appears to be issued by or under the authority of an issuing authority;

129 (b) transfers an identification document, authentication feature, or a false identification
130 document knowing that the document or feature was stolen or produced without lawful
131 authority;

132 (c) produces, transfers, or possesses a document-making implement or authentication
133 feature with the intent that the document-making implement or the authentication feature be
134 used in the production of a false identification document or another document-making
135 implement or authentication feature; or

136 (d) traffics in false or actual authentication features for use in false identification
137 documents, document-making implements, or means of identification.

138 (5) A person who violates:

139 (a) Subsection (2) is guilty of a third degree felony; and

140 (b) Subsection (4) is guilty of a second degree felony.

141 (6) This part may not be construed to impose criminal or civil liability on any law

142 enforcement officer acting within the scope of a criminal investigation.

143 (7) The forfeiture of property under this part, including any seizure and disposition of
144 the property and any related judicial or administrative proceeding, shall be conducted in
145 accordance with Title 24, Chapter 1, Utah Uniform Forfeiture Procedures Act.

146 (8) The court shall order, in addition to the penalty prescribed for any person convicted
147 of a violation of this section, the forfeiture and destruction or other disposition of all illicit
148 authentication features, identification documents, false transaction cards, document-making
149 implements, or means of identification.