

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 and false financial transaction cards without lawful authority.

Highlighted Provisions:

This bill:

▶ provides a penalty of a second degree felony for a person guilty of producing, possessing, or transferring false identification documents and false financial transaction cards 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, a false identification document, or false financial transaction card knowing that the document or feature was stolen or produced without lawful authority;

- possesses with intent to unlawfully use or transfer for another person's unlawful use one or more identification documents, false financial transaction cards, authentication features, or false identification documents;

- produces, transfers, or possesses a document-making implement or authentication feature with the intent that the document- making implement or



28 the authentication feature be used in the production of a false identification document or
29 another document-making implement or authentication feature; or

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

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

33 ▶ provides for the forfeiture, destruction, or other disposition of all illicit
34 authentication features, identification documents, document-making implements, or
35 means of identification.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **76-6-501**, as last amended by Laws of Utah 2007, Chapter 141



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

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

46 **76-6-501. Forgery and producing false identification -- Elements of offense --**

47 **Definitions.**

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

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

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

- 59 (c) "False authentication feature" means an authentication feature that:
60 (i) is genuine in origin but that, without the authorization of the issuing authority, has
61 been tampered with or altered for purposes of deceit;
62 (ii) is genuine, but has been distributed, or is intended for distribution, without the
63 authorization of the issuing authority and not in connection with a lawfully made identification
64 document, document-making implement, or means of identification to which the authentication
65 feature is intended to be affixed or embedded by the issuing authority; or
66 (iii) appears to be genuine, but is not.
- 67 (d) "False identification document" means a document of a type intended or commonly
68 accepted for the purposes of identification of individuals, and that:
69 (i) is not issued by or under the authority of a governmental entity or was issued under
70 the authority of a governmental entity but was subsequently altered for purposes of deceit; and
71 (ii) appears to be issued by or under the authority of a governmental entity.
- 72 (e) "False financial transaction card" means a financial transaction card as defined in
73 Section 76-6-506 that is not issued, created, or authorized for use by the issuer of the card.
- 74 (f) "Governmental entity" means the United States government, a state, a political
75 subdivision of a state, a foreign government, a political subdivision of a foreign government, an
76 international governmental organization, or a quasi-governmental organization.
- 77 (g) "Identification document" means a document made or issued by or under the
78 authority of a governmental entity, which, when completed with information concerning a
79 particular individual, is of a type intended or commonly accepted for the purpose of
80 identification of individuals.
- 81 (h) "Issuing authority" means:
82 (i) any governmental entity that is authorized to issue identification documents, means
83 of identification, or authentication features; or
84 (ii) a business organization or financial institution or its agent that issues a financial
85 transaction card as defined in Section 76-6-506.
- 86 (i) "Means of identification" means any name or number that may be used, alone or in
87 conjunction with any other information, to identify a specific individual, including:
88 (i) name, Social Security number, date of birth, government issued driver license or
89 identification number, alien registration number, government passport number, or employer or

90 taxpayer identification number:

91 (ii) unique biometric data, such as fingerprint, voice print, retina or iris image, or other
92 unique physical representation; or

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

94 (j) "Personal identification card" means an identification document issued by a
95 governmental entity solely for the purpose of identification of an individual.

96 (k) "Produce" includes altering, authenticating, or assembling.

97 (l) "State" includes any state of the United States, the District of Columbia, the
98 Commonwealth of Puerto Rico, and any other commonwealth, possession, or territory of the
99 United States.

100 (m) "Traffic" means to:

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

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

105 (n) "Writing" includes printing, electronic storage or transmission, or any other method
106 of recording valuable information including forms such as:

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

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

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

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

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

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

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

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

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

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

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

130 (4) A person is guilty of producing, possessing, or transferring any false identification
131 document or false financial transaction card who:

132 (a) knowingly and without lawful authority produces, attempts, or conspires to produce
133 an identification document, authentication feature, a false identification document, or false
134 financial transaction card that is or appears to be issued by or under the authority of an issuing
135 authority;

136 (b) transfers an identification document, authentication feature, a false identification
137 document, or a false financial transaction card knowing that the document or feature was stolen
138 or produced without lawful authority;

139 (c) possesses with intent to unlawfully use or transfer for another person's unlawful use
140 one or more identification documents or financial transaction cards, other than those issued
141 lawfully for the use of the possessor, or authentication features, false identification documents,
142 or false financial transaction cards;

143 (d) produces, transfers, or possesses a document-making implement or authentication
144 feature with the intent that the document-making implement or the authentication feature be
145 used in the production of a false identification document or false financial transaction card, or
146 another document-making implement or authentication feature; or

147 (e) traffics in false or actual authentication features for use in false identification
148 documents or false financial transaction cards, document making implements, or means of
149 identification.

150 (5) A person who violates:

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

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

153 (6) This part may not be construed to impose criminal or civil liability on any law
154 enforcement officer acting within the scope of a criminal investigation.

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

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

Legislative Review Note
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Office of Legislative Research and General Counsel