

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0353.02 Anna Petrini x5497

HOUSE BILL 25-1141

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A BILL FOR AN ACT

101 **CONCERNING CRIMINAL OFFENSES AFFECTING RETAILERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law requires mandatory sentencing to at least the minimum of the prescribed range for a person who, within the immediately preceding 4 years, was twice convicted of felony theft from a store and who is once again convicted of felony theft from a store.

The bill requires a state court to sentence a person convicted of burglary, robbery, theft, or a related property crime from or of a store, who was convicted of any 2 of the specified property crimes or comparable municipal offenses from or of a store within the preceding 4

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

years, to at least the midpoint term for the current offense.

The bill adds language to the existing theft statute clarifying how a gift card's value is determined for purposes of determining the offense level and associated penalty. If the stolen item of value is a gift card, then the value is the full monetary face value or, in the case of a variable load gift card, the maximum potential value, regardless of whether funds have been transferred to the gift card at the time of the theft. The bill adds gift cards to the list of written instruments subject to forgery.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-4-206 as
3 follows:

4 **18-4-206. Burglary of a store - mandatory sentencing for**
5 **repeated offense.** WHEN A PERSON IS CONVICTED OF ANY OFFENSE
6 PURSUANT TO THIS PART 2 AND THE BURGLARY OR RELATED OFFENSE WAS
7 FROM OR OF A STORE, THE COURT SHALL SENTENCE THE PERSON PURSUANT
8 TO THE PROVISIONS OF SECTION 18-4-413 (2) IF THE PERSON HAS, WITHIN
9 THE IMMEDIATELY PRECEDING FOUR YEARS, BEEN CONVICTED OF ANY TWO
10 OFFENSES PURSUANT TO THIS PART 2 OR PART 3 OR PART 4 OF THIS ARTICLE
11 4, OR PURSUANT TO COMPARABLE MUNICIPAL ORDINANCES, AND EACH
12 OFFENSE WAS FROM OR OF A STORE.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 18-4-306 as
14 follows:

15 **18-4-306. Robbery of a store - mandatory sentencing for**
16 **repeated offense.** WHEN A PERSON IS CONVICTED OF ANY OFFENSE
17 PURSUANT TO THIS PART 3 AND THE ROBBERY OR RELATED OFFENSE WAS
18 FROM OR OF A STORE, THE COURT SHALL SENTENCE THE PERSON PURSUANT
19 TO THE PROVISIONS OF SECTION 18-4-413 (2) IF THE PERSON HAS, WITHIN
20 THE IMMEDIATELY PRECEDING FOUR YEARS, BEEN CONVICTED OF ANY TWO
21 OFFENSES PURSUANT TO THIS PART 3 OR PART 2 OR PART 4 OF THIS ARTICLE

1 4, OR PURSUANT TO COMPARABLE MUNICIPAL ORDINANCES, AND EACH
2 OFFENSE WAS FROM OR OF A STORE.

3 **SECTION 3.** In Colorado Revised Statutes, 18-4-401, **add** (13)
4 as follows:

5 **18-4-401. Theft - definitions.** (13) (a) IF THE ITEM OF VALUE
6 INVOLVED IS A GIFT CARD, THEN FOR PURPOSES OF DETERMINING THE
7 OFFENSE LEVEL PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE
8 VALUE IS THE FULL MONETARY FACE VALUE OR, IN THE CASE OF A
9 VARIABLE LOAD GIFT CARD, THE MAXIMUM POTENTIAL VALUE,
10 REGARDLESS OF WHETHER FUNDS HAVE BEEN TRANSFERRED TO THE GIFT
11 CARD AT THE TIME OF THE THEFT.

12 (b) AS USED IN THIS SUBSECTION (13):

13 (I) "CLOSED-LOOP GIFT CARD" MEANS A CARD, CODE, OR DEVICE
14 THAT IS ISSUED TO A CONSUMER ON A PREPAID BASIS, PRIMARILY FOR
15 PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES, IN A SPECIFIED AMOUNT,
16 REGARDLESS OF WHETHER THE AMOUNT MAY BE INCREASED OR RELOADED
17 IN EXCHANGE FOR PAYMENT, AND IS REDEEMABLE UPON PRESENTATION BY
18 A CONSUMER AT A SINGLE MERCHANT OR GROUP OF AFFILIATED
19 MERCHANTS.

20 (II) "GIFT CARD" MEANS A PHYSICAL OR DIGITAL CLOSED-LOOP
21 GIFT CARD OR OPEN-LOOP GIFT CARD THAT IS EITHER ACTIVATED OR
22 INACTIVATED.

23 (III) "OPEN-LOOP GIFT CARD" MEANS A CARD, CODE, OR DEVICE
24 THAT IS ISSUED TO A CONSUMER ON A PREPAID BASIS, PRIMARILY FOR
25 PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES, IN A SPECIFIED AMOUNT,
26 REGARDLESS OF WHETHER THAT AMOUNT MAY BE INCREASED OR
27 RELOADED IN EXCHANGE FOR PAYMENT, AND IS REDEEMABLE UPON

1 PRESENTATION AT MULTIPLE UNAFFILIATED MERCHANTS FOR GOODS OR
2 SERVICES WITHIN THE PAYMENT CARD NETWORK.

3 **SECTION 4.** In Colorado Revised Statutes, 18-4-413, **amend** (2);
4 **repeal** (3); and **add** (1.5) as follows:

5 **18-4-413. Mandatory sentencing for repeated theft or**
6 **property crime from a store - store defined.** (1.5) WHEN A PERSON IS
7 CONVICTED OF ANY OFFENSE PURSUANT TO THIS PART 4 AND THE THEFT OR
8 RELATED OFFENSE WAS FROM OR OF A STORE, THE COURT SHALL SENTENCE
9 THE PERSON PURSUANT TO SUBSECTION (2) OF THIS SECTION IF THE PERSON
10 HAS, WITHIN THE IMMEDIATELY PRECEDING FOUR YEARS, BEEN CONVICTED
11 OF ANY TWO OFFENSES PURSUANT TO THIS PART 4 OR PART 2 OR PART 3 OF
12 THIS ARTICLE 4, OR PURSUANT TO COMPARABLE MUNICIPAL ORDINANCES,
13 AND EACH OFFENSE WAS FROM OR OF A STORE.

14 (2) Any person convicted of ~~felony theft~~ ANY OFFENSE PURSUANT
15 TO THIS PART 4 OR PART 2 OR PART 3 OF THIS ARTICLE 4, which ~~felony~~
16 ~~theft~~ OFFENSE was from OR OF a store, who within the immediately
17 preceding four years was ~~twice~~ convicted of ~~felony theft~~ ANY TWO
18 OFFENSES PURSUANT TO THIS PART 4 OR PART 2 OR PART 3 OF THIS ARTICLE
19 4, OR PURSUANT TO COMPARABLE MUNICIPAL ORDINANCES, which ~~felony~~
20 ~~theft was~~ OFFENSES WERE each time from OR OF a store, shall be
21 sentenced to at least the ~~minimum~~ MIDPOINT term provided for ~~such~~ THE
22 offense. A person convicted under this section ~~shall not be~~ IS NOT eligible
23 for probation or suspension of sentence.

24 (3) ~~The mandatory sentencing requirements specified in~~
25 ~~subsection (2) of this section shall not apply when the person is being~~
26 ~~sentenced pursuant to section 18-4-401 (4).~~

27 **SECTION 5.** In Colorado Revised Statutes, 18-5-101, **amend** (1);

1 and **add** (1.3), (5.5), and (7.3) as follows:

2 **18-5-101. Definitions.** As used in sections 18-5-101 to 18-5-110,
3 unless the context otherwise requires:

4 (1) ~~"Complete written instrument" means one which purports to~~
5 ~~be a genuine written instrument fully drawn with respect to every~~
6 ~~essential feature thereof.~~ "CLOSED-LOOP GIFT CARD" MEANS A CARD,
7 CODE, OR DEVICE THAT IS ISSUED TO A CONSUMER ON A PREPAID BASIS,
8 PRIMARILY FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES, IN A
9 SPECIFIED AMOUNT, REGARDLESS OF WHETHER THE AMOUNT MAY BE
10 INCREASED OR RELOADED IN EXCHANGE FOR PAYMENT, AND IS
11 REDEEMABLE UPON PRESENTATION BY A CONSUMER AT A SINGLE
12 MERCHANT OR GROUP OF AFFILIATED MERCHANTS.

13 (1.3) "COMPLETE WRITTEN INSTRUMENT" MEANS ONE WHICH
14 PURPORTS TO BE A GENUINE WRITTEN INSTRUMENT FULLY DRAWN WITH
15 RESPECT TO EVERY ESSENTIAL FEATURE THEREOF.

16 (5.5) "GIFT CARD" MEANS A PHYSICAL OR DIGITAL CLOSED-LOOP
17 GIFT CARD OR OPEN-LOOP GIFT CARD THAT IS EITHER ACTIVATED OR
18 INACTIVATED.

19 (7.3) "OPEN-LOOP GIFT CARD" MEANS A CARD, CODE, OR DEVICE
20 THAT IS ISSUED TO A CONSUMER ON A PREPAID BASIS, PRIMARILY FOR
21 PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES, IN A SPECIFIED AMOUNT,
22 REGARDLESS OF WHETHER THAT AMOUNT MAY BE INCREASED OR
23 RELOADED IN EXCHANGE FOR PAYMENT, AND IS REDEEMABLE UPON
24 PRESENTATION AT MULTIPLE UNAFFILIATED MERCHANTS FOR GOODS OR
25 SERVICES WITHIN THE PAYMENT CARD NETWORK.

26 **SECTION 6.** In Colorado Revised Statutes, 18-5-102, **amend**
27 (1)(g) and (1)(h); and **add** (1)(i) as follows:

1 **18-5-102. Forgery.** (1) A person commits forgery, if, with intent
2 to defraud, the person falsely makes, completes, alters, or utters a written
3 instrument that is or purports to be, or that is calculated to become or to
4 represent if completed:

5 (g) Part of an issue of lottery tickets or shares designed for use in
6 the lottery held pursuant to article 40 of title 44; ~~or~~

7 (h) A document-making implement that may be used or is used in
8 the production of a false identification document or in the production of
9 another document-making implement to produce false identification
10 documents; OR

11 (i) A GIFT CARD.

12 **SECTION 7. Act subject to petition - effective date -**
13 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
14 the expiration of the ninety-day period after final adjournment of the
15 general assembly; except that, if a referendum petition is filed pursuant
16 to section 1 (3) of article V of the state constitution against this act or an
17 item, section, or part of this act within such period, then the act, item,
18 section, or part will not take effect unless approved by the people at the
19 general election to be held in November 2026 and, in such case, will take
20 effect on the date of the official declaration of the vote thereon by the
21 governor.

22 (2) This act applies to offenses committed on or after the
23 applicable effective date of this act.