

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 19-0047.01 Michael Dohr x4347

**SENATE BILL 19-014**

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**SENATE SPONSORSHIP**

**Coram,** Cooke, Gardner, Scott, Smallwood, Tate

**HOUSE SPONSORSHIP**

**Carver and Tipper,** Becker, Bird, Bockenfeld, Buentello, Catlin, Gray, Humphrey, Liston, McKean, Roberts, Snyder, Titone, Wilson

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**Senate Committees**  
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**House Committees**  
Judiciary

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**A BILL FOR AN ACT**

101 **CONCERNING REQUIREMENTS THAT SECONDHAND DEALERS RECORD**  
102 **TRANSACTIONS INVOLVING STORE VALUE CARDS.**

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**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>.)*

The bill creates the crime of retail theft with special circumstances if a person commits theft from a store with one of the following special circumstances:

- ! The person is, at the time of the theft, in possession of an item, article, implement, or device used or designed to overcome security systems, including but not limited to

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

HOUSE  
Amended 3rd Reading  
March 22, 2019

HOUSE  
Amended 2nd Reading  
March 19, 2019

SENATE  
3rd Reading Unamended  
February 14, 2019

SENATE  
Amended 2nd Reading  
February 13, 2019

lined bags or tag removers, under circumstances indicating an intent to use or employ the item, article, implement, or device for such purposes; or

! To facilitate the theft, the person utilizes an organized effort of multiple persons to remove items from the store with the intent to resell the items.

Retail theft with special circumstances is a class 5 felony.

The bill requires secondhand dealers who purchase gift cards to keep a record of those purchases. Failure to record the purchases in an electronic database is a class 2 misdemeanor for a first offense and a class 6 felony for a second or subsequent offense.

The bill adds a gift card to the definition of a "valuable article", which triggers certain record-keeping requirements.



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

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3                    ■ ■ ■

4                    **SECTION 1.** In Colorado Revised Statutes, **amend** 18-13-117 as  
5 follows:

6                    **18-13-117. Record of sales.** (1) (a) Every secondhand dealer or  
7 any person who is a dealer of new goods who is a retailer and sells such  
8 goods at a flea market or similar facility or any nonpermanent location  
9 shall keep and preserve suitable records of sales made by him OR HER and  
10 such other books or accounts as may be necessary to determine the  
11 amount of tax for the collection of which he OR SHE is liable under part  
12 1 of article 26 of title 39. ~~C.R.S.~~ It is the duty of every such person to  
13 keep and preserve for a period of three years all invoices of goods and  
14 merchandise purchased for resale, INCLUDING A STORE CREDIT, GIFT CARD,  
15 OR MERCHANDISE CARD, and all such books, invoices, and other records  
16 shall be open for examination at any time by the executive director of the  
17 department of revenue, his OR HER duly authorized agent, or any peace  
18 officer.

1 (b) EVERY SECONDHAND DEALER OR ANY PERSON WHO IS A  
2 DEALER OF NEW GOODS WHO IS A RETAILER AND SELLS SUCH GOODS AT A  
3 FLEA MARKET OR SIMILAR FACILITY OR ANY NONPERMANENT LOCATION  
4 SHALL RECORD THE PURCHASE OF A STORE CREDIT, GIFT CARD, OR  
5 MERCHANDISE CARD FOR RESALE IN A REGISTER, AS DESCRIBED IN SECTION  
6 18-16-105, THAT IS ACCESSIBLE TO LAW ENFORCEMENT.

7 (2) (a) Any person who violates any of the provisions of  
8 ~~subsection (1)~~ SUBSECTION (1)(a) of this section commits a class 3  
9 misdemeanor.

10 (b) ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTION  
11 (1)(b) OF THIS SECTION COMMITS A CLASS 3 MISDEMEANOR IF THE VALUE  
12 OF THE STORE CREDIT, GIFT CARD, OR MERCHANDISE CARD IS THIRTY  
13 DOLLARS OR GREATER OR IF THE VALUE OF STORE CREDITS, GIFT CARDS,  
14 OR MERCHANDISE CARDS PURCHASED IN ONE TRANSACTION IS THIRTY  
15 DOLLARS OR GREATER, ANY OTHER VIOLATION OF THE PROVISIONS OF  
16 SUBSECTION (1)(b) OF THIS SECTION IS A PETTY OFFENSE.

17 **SECTION 2.** In Colorado Revised Statutes, 18-16-102, **amend**  
18 the introductory portion; and **add** (7)(c) as follows:

19 **18-16-102. Definitions.** As used in this ~~article~~ ARTICLE 16, unless  
20 the context otherwise requires:

21 (7) (c) "VALUABLE ARTICLE" ALSO INCLUDES A STORE CREDIT,  
22 GIFT CARD, OR MERCHANDISE CARD OF ANY VALUE NOT ISSUED BY THE  
23 PERSON.

24 **SECTION 3.** In Colorado Revised Statutes, 29-11.9-103, **amend**  
25 (1), (2), (3), and (4) as follows:

26 **29-11.9-103. Required acts of pawnbrokers.** (1) A pawnbroker  
27 shall ~~keep a numerical register or other tangible or electronic record in~~

1 ~~which the pawnbroker shall~~ record the following information IN A  
2 REGISTER, AS DESCRIBED IN SECTION 18-16-105: The name, address, and  
3 date of birth of the customer and the driver's license number or other  
4 identification number from any other form of identification that is  
5 allowed for the sale of valuable articles pursuant to section 18-16-103 or  
6 for the sale of secondhand property pursuant to section 18-13-114; the  
7 date, time, and place of the contract for purchase or purchase transaction;  
8 ~~and~~ an accurate and detailed account and description of each item of  
9 tangible personal property, including but not limited to any trademark,  
10 identification number, serial number, model number, brand name, or other  
11 identifying marks on such property; AND, FOR A STORE CREDIT, GIFT CARD,  
12 OR MERCHANDISE CARD, THE IDENTIFICATION NUMBER, NAME OF THE  
13 RETAILER, AND THE VALUE OF CREDIT OR CARD. The pawnbroker shall  
14 also obtain a written declaration of the customer's ownership, which shall  
15 state that the tangible personal property is totally owned by the customer,  
16 or shall have attached to the declaration a power of sale from the partial  
17 owner to the customer, how long the customer has owned the property,  
18 whether the customer or someone else found the property, and, if the  
19 property was found, the details of the finding.

20 (2) The customer shall sign the ~~register or other tangible or~~  
21 electronic record and the declaration of ownership and shall receive a  
22 copy of the contract for purchase or a receipt of the purchase transaction.

23 (3) The ~~register or other tangible or~~ electronic record, as well as  
24 a copy of the contract for purchase or a receipt of the purchase  
25 transaction, shall be made ~~available~~ ACCESSIBLE to any local law  
26 enforcement agency for inspection at any reasonable time.

27 (4) The pawnbroker shall keep each ~~register or other tangible or~~

1 electronic record for at least three years after the date of the last  
2 transaction entered in the register.

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4 **SECTION 4. Act subject to petition - effective date -**  
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
6 the expiration of the ninety-day period after final adjournment of the  
7 general assembly (August 2, 2019, if adjournment sine die is on May 3,  
8 2019); except that, if a referendum petition is filed pursuant to section 1  
9 (3) of article V of the state constitution against this act or an item, section,  
10 or part of this act within such period, then the act, item, section, or part  
11 will not take effect unless approved by the people at the general election  
12 to be held in November 2020 and, in such case, will take effect on the  
13 date of the official declaration of the vote thereon by the governor.

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