

CLASS 5 FELONIES

Elements of Offense

C.R.S. Citation

Election Offenses

1. *Penalties for election offenses - forgery.* Anyone who forges, makes, or alters any ballot, petition, nomination paper, or letter of acceptance, declination, or withdrawal, commits forgery in the second degree, which is a class 5 felony. 1-13-106

Colorado Antitrust Act of 1992

2. *Violations.* Violation of any of the provisions of sections 6-4-104, 6-4-105, or 6-4-106 of the Colorado Antitrust Act of 1992 regarding illegal restraint or trade or commerce, monopolization, and bid-rigging is a class 5 felony. 6-4-117 (2)

Colorado Charitable Solicitations Act

3. *Charitable fraud.* The commission of charitable fraud according to section 6-16-111 (1) (b), (c), (d), (f), or (g) is a class 5 felony. 6-16-111 (2)
4. *Charitable fraud.* Charitable fraud pursuant to section 6-16-111 (1) (a) or (e) involving three separate contributors in any one solicitation campaign is a class 5 felony. 6-16-111 (3)

Division of Labor — Industrial Claim Appeals Office

5. *Penalty for false statements - Industrial Commission - Division of Labor.* Anyone who willfully makes a false statement or misrepresentation for the purposes of obtaining a benefit under Article 1 of Title 8 regarding the Division of Labor's Industrial Claim Appeals Office commits a class 5 felony. 8-1-144

Labor and Industry — Enforcement and Penalties

6. *Penalty for false statements/Workers' Compensation Act of Colorado.* Anyone who willfully makes a false statement or misrepresentation material to the claim in order to obtain labor benefits under Articles 40 to 47 of Title 8 commits a class 5 felony. 8-43-402

Elements of Offense

C.R.S. Citation

Financial Institutions — Organization and Powers

7. *Defrauding savings and loan associations.* Any employee of any savings and loan association who attempts to steal or defraud the association of any of its funds, securities, or properties, commits a class 5 felony. 11-41-127 (1)

Financial Institutions — State Banking Commissioner

8. *Penalty for violation or non-performance of duties concerning the State Banking Commission.* Any person who willfully fails to perform any act required, or commits any act in violation of his or her duties concerning bank examinations and liquidations, commits a class 5 felony. 11-107-109

Professions and Occupations — Acupuncturists

9. *Acupuncturists - grounds for disciplinary action.* A subsequent violation within three years of the date of conviction of any of the provisions of section 12-29.5-106 (1) (a) through (i) regarding grounds for disciplinary action for acupuncturists is a class 5 felony. 12-29.5-108 (1)

Medical Practice

10. *Unprofessional conduct.* Dispensing or injecting an anabolic steroid unless dispensed pursuant to a written prescription or dispensed by a practitioner is a class 5 felony. 12-36-129 (2.5)

Colorado Parental Notification Act

11. *False information - notification concerning abortion.* It is a class 5 felony to counsel, encourage, or conspire to persuade a pregnant minor to provide false information to a physician about the minor's age, marital status, or other facts or circumstances in order to induce or attempt to induce such physician to perform an abortion without providing written notice required by Article 37.5 of Title 12. 12-37.5-106 (3)

Professions and Occupations — Mental Health

12. *Mental health occupations.* A subsequent violation within three years of a previous conviction of any of the provisions regarding mandatory disclosure of information to clients; title use restrictions; performing outside of the area of training, experience or competence; using any designation implying licensure when such license has been revoked; and selling or fraudulently obtaining or furnishing a license to practice is a class 5 felony. 12-43-226 (2)

Elements of Offense

C.R.S. Citation

Professions and Occupations — Alcoholic Beverages

13. ***Gambling activity - premises licensed to sell alcohol.*** It is a class 5 felony, in the case of an establishment licensed to sell alcoholic beverages, to permit or authorize gambling activity, except that which is conducted by an authorized nonprofit organization. 12-47-901 (5) (n) (II)

Colorado Limited Gaming Act

14. ***Violation of taxation provisions - gaming.*** Any person who makes any false or fraudulent return in an attempt to defeat or evade taxes imposed pursuant to the Colorado Limited Gaming Act commits a class 5 felony. 12-47.1-603 (1) (a)
15. ***Violation of taxation provisions - gaming.*** Any person who, twice within a year, fails to pay taxes due or file a return pursuant to the Colorado Limited Gaming Act commits a class 5 felony. 12-47.1-603 (1) (d)
16. ***Violation of taxation provisions - gaming.*** Any person who willfully aids, assists, procures, counsels, or advises, in any matter before the Colorado Limited Gaming Control Commission, a return, affidavit, claim, or other document which is fraudulent or contains false information, commits a class 5 felony. 12-47.1-603 (1) (e)
17. ***False statement on application.*** Any person who knowingly makes a false statement in any application for a license, or who fails to keep books and records to substantiate receipts or expenses, or who falsifies any books or records relating to any transaction connected with any limited gaming, or who knowingly violates any of the provisions of the provisions of the Colorado Limited Gaming Act or any rule or regulation promulgated by the Colorado Limited Gaming Control Commission commits a class 5 felony. 12-47.1-802
18. ***Slot machines - shipping notices.*** Violation of any of the provisions regarding the shipping or importing of a slot machine into the State of Colorado is a class 5 felony. 12-47.1-803 (1) (b)
19. ***Cheating.*** Cheating at any limited gaming activity by an owner, employee of, or player at a limited gaming establishment is a class 5 felony if the person is a repeat gambling offender. 12-47.1-822 (3)
20. ***Fraudulent acts - gaming.*** Violation of any of the provisions of section 12-47.1-823 regarding fraudulent gaming acts is a class 5 felony if the person is a repeat gambling offender. 12-47.1-823 (2)
21. ***Use of a device for calculating probabilities.*** Use or possession of any device used to assist in projecting the outcome of a game, keep track of cards played, or analyze the probability of an event occurring or the strategy for playing or betting is a class 5 felony when the person is a repeat gambling offender. 12-47.1-824 (2)

Elements of Offense

C.R.S. Citation

22. ***Counterfeit or unapproved chips or tokens - unlawful devices, equipment, products, or materials.*** Violation of any of the provisions of section 12-47.1-825 regarding the use of counterfeit or unapproved chips or tokens, unlawful coins or devices, and the possession of certain unlawful devices, equipment, products, or materials commits a class 5 felony when the person is a repeat gambling offender. 12-47.1-825 (8)
23. ***Cheating game and devices.*** Knowingly conducting, operating, or allowing any cheating or thieving game or device, or knowingly dealing, conducting, or operating any game with cards or devices which have been marked or tampered with is a class 5 felony when the offender is a repeat gambling offender. 12-47.1-826 (2)
24. ***Unlawful manufacture, sale, distribution of equipment and devices associated with limited gaming.*** Violation of any of the provisions of section 12-47.1-827 regarding the unlawful manufacture, sale, distribution, marking, altering, or modification of equipment and devices associated with limited gaming is a class 5 felony when the offender is a repeat gambling offender. 12-47.1-827 (4)
25. ***Unlawful entry.*** Unlawful entry into the premises of a licensed gaming establishment by a person whose name is on the list of persons who are to be excluded and ejected from gaming establishments is a class 5 felony. 12-47.1-828 (3)
26. ***False or misleading information.*** Providing any false or misleading information pursuant to the Colorado Limited Gaming Act is a class 5 felony. 12-47.1-839 (2)

Professions and Occupations — Outfitters and Guides

27. ***Issuance of certificate of registration.*** A second or subsequent conviction of any of the provisions regarding the requirements for issuance of a certificate of registration for outfitters is a class 5 felony. 12-55.5-107.5 (1)

Domestic Matters — Parent and Child

28. ***Nonsupport of spouse and children.*** Any person who willfully neglects, fails, or refuses to provide reasonable support and maintenance for his or her spouse or children commits a class 5 felony. 14-6-101 (1)

Elements of Offense

C.R.S. Citation

Colorado Medical Treatment Decision Act

29. ***Colorado Medical Treatment Decision Act.*** Any person who falsifies or forges a declaration of another commits a class 5 felony. 15-18-113 (2)

Inchoate Offenses

30. ***Criminal attempt.*** Criminal attempt to commit a class 4 felony is a class 5 felony. 18-2-101 (4)
31. ***Criminal conspiracy.*** Conspiracy to commit a class 4 felony is a class 5 felony. 18-2-206 (1)
32. ***Criminal solicitation.*** Any person who attempts to persuade another person to commit a class 4 felony commits a class 5 felony (See 18-2-101 (4)). 18-2-301 (5)

Offenses Against the Person

33. ***Criminally negligent homicide.*** Any person who causes the death of another person by conduct amounting to criminal negligence commits criminally negligent homicide, a class 5 felony. 18-3-105
34. ***Assault in the first degree.*** If assault in the first degree is committed but in the heat of passion caused by a highly provoking act of the victim, affecting the person causing the injury sufficiently to excite an irresistible passion in a reasonable person, and without an interval between the provocation and the injury sufficient for the voice of reason and humanity to be heard, it is a class 5 felony. 18-3-202 (2) (a)
35. ***Vehicular assault.*** Any person who drives a motor vehicle in a reckless manner, and this conduct is the proximate cause of the serious bodily injury to another, commits a class 5 felony. 18-3-205 (1) (c)
36. ***Menacing.*** A person who menaces another by use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or who represents verbally or otherwise that he or she is armed with a deadly weapon, commits a class 5 felony. 18-3-206 (1)
37. ***False imprisonment.*** Any person other than a peace officer acting within the scope of his or her duties who uses or threatens force to confine or detain another, and who confines or detains the person for 12 hours or longer commits a class 5 felony. 18-3-303 (2)
38. ***Violation of custody.*** Any person who takes or entices any child under the age of 18 from the custody of his or her parents, guardian, legal custodian, or person with parental responsibilities with respect to the child commits a class 5 felony. 18-3-304 (1)

Elements of Offense

C.R.S. Citation

39. ***Violation of custody.*** Any parent who violates an order of court granting custody of a child or parental responsibilities with respect to a child under 18 to any person, agency, or institution, with the intent to deprive the lawful custodian or person with parental responsibilities of the custody or care of the child, commits a class 5 felony. 18-3-304 (2)
40. ***Failure to register as a sex offender.*** Failure to register as a convicted sex offender or submitting false information on a registration form is a class 5 felony for a second or subsequent offense. 18-3-412.5 (2) (a) and (c)

Offenses Against Property

41. ***Third degree burglary.*** A person who enters or breaks into any vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, etc., commits a class 5 felony. 18-4-204 (2)
42. ***Possession of burglary tools.*** Possession of any explosive, tool, instrument, or other article adapted, designed, or commonly used for committing or facilitating burglary is a class 5 felony. 18-4-205 (2)
43. ***Theft.*** Theft is a class 5 felony, without regard to the value of the thing taken, if the thing involved was taken from another person by means other than the use of force, threat, or intimidation. 18-4-401 (5)
44. ***Theft of rental property.*** If a person engages in the theft of rental property when the value is \$500 or more, but less than \$15,000, it is a class 5 felony. 18-4-402 (4)
45. ***Theft of rental property.*** Theft of rental property twice or more within a period of six months without having been placed in jeopardy for prior offenses and the aggregate value of the property is \$500 or more but less than \$15,000 is a class 5 felony. 18-4-402 (6)
46. ***Theft of trade secrets.*** Any person who steals or discloses to an unauthorized person a trade secret or makes or causes to be made a copy of an article representing a trade secret commits theft of a trade secret. If a second or subsequent offense is committed within five years of a prior conviction, it is a class 5 felony. 18-4-408 (3)
47. ***Aggravated motor vehicle theft.*** Aggravated motor vehicle theft in the second degree is a class 5 felony if the value of the motor vehicle or motor vehicles involved is \$15,000 or more. 18-4-409 (4)
48. ***First degree criminal trespass.*** A person who knowingly and unlawfully enters a building or enters a car with intent to steal commit a crime therein commits a class 5 felony. 18-4-502

Elements of Offense

C.R.S. Citation

49. ***Third degree criminal trespass.*** It is a class 5 felony if a person unlawfully enters or remains on premises classified as agricultural land, with the intent to commit a felony. 18-4-504 (2) (b)

Offenses Involving Fraud

50. ***Forgery.*** A person commits forgery, a class 5 felony if, with intent to defraud, such person falsely makes, completes, or alters a written instrument listed in paragraphs (a) through (g) of section 18-5-102 (1). 18-5-102 (2)
51. ***Offering a false instrument for recording.*** Any person who offers a false instrument for recording with intent to defraud commits a class 5 felony. 18-5-114 (2)
52. ***Defrauding a secured creditor or debtor.*** A person who intends to defraud a creditor by rendering any security interest worthless or enforceable by disposing of any collateral subject to a security interest commits a class 5 felony if the value of the collateral is \$500 or more but less than \$15,000. 18-5-206 (1) (c)
53. ***Defrauding a secured creditor or debtor.*** A creditor who intends to defraud a debtor by encumbering a promissory note or contract signed by the debtor commits a class 5 felony if the amount owing on such note or contract is \$500 or more but less than \$15,000. 18-5-206 (2) (c)
54. ***Unlawful activity concerning the selling of land.*** A person who sells the same land twice with intent to defraud commits a class 5 felony. 18-5-302 (1)
55. ***Failure to pay over assigned accounts.*** A class 5 felony is committed when an assignor for the collection of a debt account fails to pay the assignee any money collected from the debtor, where the sum of money involved is \$500 or more. 18-5-502
56. ***Concealment or removal of secured property.*** If a person has given security interest in personal property and conceals or removes the encumbered property from Colorado without written consent, he or she commits a class 5 felony where the amount of the proceeds withheld is \$500 or more. 18-5-504
57. ***Failure to pay over proceeds.*** Any person giving security interest and retaining possession of the encumbered property and having liberty of sale or other disposition, and who wrongfully fails to pay to the secured creditor the amounts due on account thereof, commits a class 5 felony where the amount of the proceeds withheld is \$500 or more. 18-5-505
58. ***Unauthorized use of a financial device.*** Unauthorized use of a financial device if the value of cash, credit, property, or services obtained or financial payments made exceeds \$500 but is less than \$15,000 is a class 5 felony. 18-5-702 (3) (c)

Elements of Offense

C.R.S. Citation

59. ***Criminal possession of a financial transaction device.*** Any person who possesses four or more financial transaction devices issued to different account holders with the intent to defraud or which he or she knows to be lost, stolen, or delivered under a mistake commits a class 5 felony. 18-5-703 (4)
60. ***Sale of a financial transaction device.*** Any person who, with intent to defraud, sells or possesses to sell, any financial transaction device which he or she knows to be lost, stolen, forged, altered, counterfeited, or delivered under a mistake, commits a class 5 felony. 18-5-704 (1)
61. ***Criminal possession of a blank financial transaction device.*** Any person who possesses two or more blank financial transaction devices and who intends to use, deliver, circulate, or sell them without the authorization of the issuer or manufacturer commits a class 5 felony. 18-5-705 (3)
62. ***Sale of a blank financial transaction device.*** Any person who delivers, circulates, or sells one blank financial transaction device which has not been embossed or magnetically encoded with the name of the account holder, personal identification code, expiration date, or other proprietary institutional information commits a class 5 felony. 18-5-705 (4)
63. ***Unlawful manufacture of a financial transaction device.*** A person commits a class 5 felony if he or she commits unlawful manufacture of a financial transaction device, with intent to defraud, by: (a) falsely making or manufacturing such a device; (b) falsely altering or adding codes or information to such a device; or (c) falsely completing such a device. 18-5-707 (3)
64. ***Equity skimming.*** Equity skimming of real property is a class 5 felony. 18-5-802 (3)

Offenses Involving the Family Relations

65. ***Pretended criminal abortion.*** Any person who intentionally pretends to end the real or apparent pregnancy of a woman by means other than justified medical termination or birth commits a class 5 felony. 18-6-103 (2)

Domestic Violence

66. ***Domestic violence - sentencing.*** Any person convicted of any offense which would otherwise be a misdemeanor, the underlying factual basis of which includes an act of domestic violence and such person has been three times previously convicted of a felony or misdemeanor or municipal ordinance violation, the underlying factual basis of which included an act of domestic violence, shall be convicted of a class 5 felony. 18-6-801 (7)

Elements of Offense

C.R.S. Citation

Wrongs Against At-risk Adults and At-risk Juveniles

67. ***Crimes against at-risk adults and at-risk juveniles.*** Any person whose conduct amounts to criminal negligence when the negligence results in serious bodily injury to an at-risk adult or at-risk juvenile commits a class 5 felony. 18-6.5-103 (2) (b)
68. ***Crimes against at-risk adults and at-risk juveniles.*** Any person who commits a crime of assault in the second degree when the victim is an at-risk adult or at-risk juvenile and the act was committed upon a sudden heat of passion, caused by a serious and highly provoking act of the victim, causing an irresistible passion in a reasonable person, commits a class 5 felony. 18-6.5-103 (3) (b)
69. ***Crimes against at-risk adults and at-risk juveniles.*** Any person who commits theft, and commits any element of the offense in the presence of the victim when the victim is an at-risk adult or at-risk juvenile commits a class 5 felony when the value of the thing involved is less than \$500. 18-6.5-103 (5)

Offenses Relating to Morals

70. ***Prostitution with knowledge of being infected with AIDS.*** Prostitution with knowledge of being infected with AIDS is a class 5 felony. 18-7-201.7 (2)
71. ***Pandering.*** Any person who induces another person by menacing or criminal intimidation to commit prostitution or by arranging for another to practice prostitution commits a class 5 felony. 18-7-203 (2)

Offenses — Governmental Operations

72. ***Sexual conduct in penal institutions.*** An employee or contract employee of a criminal justice facility who engages in sexual conduct with an inmate commits a class 5 felony if the sexual conduct includes sexual intrusion or sexual penetration. 18-7-701 (3)
73. ***Accessory to crime.*** Being an accessory to crime is a class 5 felony if the offender knows that the person being assisted is suspected of or wanted for a class 1 or class 2 felony. 18-8-105 (4)
74. ***Accessory to crime.*** Being an accessory to crime is a class 5 felony if the offender knows that the person being assisted has committed, or has been convicted of, or is charged with, or is suspected of or wanted for a felony other than a class 1 or class 2 felony. 18-8-105 (5)
75. ***Disarming a peace officer.*** It is a class 5 felony to knowingly, without justification and without consent, removes the firearm of a peace officer who is acting under color of official authority. 18-8-116 (2)

Elements of Offense

C.R.S. Citation

76. ***Aiding escape from mental hospital.*** Any person who aids the escape of an inmate in a mental hospital knowing the person was committed pursuant to the criminal insanity statute commits a class 5 felony. 18-8-201.1
77. ***Escape.*** A person who has been confined pursuant to the criminal insanity law and who escapes confinement and travels outside of the state of Colorado commits a class 5 felony. 18-8-208 (6) (c)
78. ***Escape.*** A person commits a class 5 felony if he or she escapes while in custody or confinement pursuant to the "Uniform Extradition Act." 18-8-208 (8)
79. ***Attempt to escape.*** A person who, while in custody or confinement and held for or charged with but not convicted of a felony, attempts to escape commits a class 5 felony. 18-8-208.1 (2)
80. ***Escape.*** A person who is in custody or confinement for a felony offense which is unclassified and escapes commits a class 5 felony. 18-8-210
81. ***Riots in correctional institutions.*** A person confined in any correctional institution commits a class 5 felony if, during a riot, he or she intentionally disobeys an order to move, disperse, or refrain from specified activities. 18-8-211 (3)
82. ***Unauthorized residency by parolee or probationer from another state.*** A probationer or parolee from another state who, in order to stay in the state, is required to have permission of the administrator of the Interstate Compact for Parolee Supervision, and does not receive such approval, commits a class 5 felony. 18-8-213 (2)
83. ***Embezzlement of public property.*** A class 5 felony is committed when a public servant converts public moneys or properties to his or her own use or to any use other than the public use as authorized by law. 18-8-407 (2)
84. ***Jury tampering.*** Knowing participation in the fraudulent processing or selection of jurors or prospective jurors or attempting to communicate with or influence jurors other than as a part of the official trial proceedings is a class 5 felony. 18-8-609 (2)

Offenses Against Public Peace, Order, and Decency

85. ***Inciting riot.*** Any person who incites, urges, instructs, or signals a group of five or more persons to engage in a riot and injury to a person or damage to property results therefrom commits a class 5 felony. 18-9-102 (3)
86. ***Harassment - stalking.*** Stalking is a class 5 felony for a first offense. 18-9-111 (5) (a)

Elements of Offense

C.R.S. Citation

87. ***Vehicular eluding.*** Any person who, while operating a motor vehicle, knowingly eludes or attempts to elude a peace officer also operating a motor vehicle, and who operates the vehicle in a reckless manner, commits a class 5 felony when no bodily injury or death occurs. 18-9-116.5
88. ***Failure to leave premises on request of peace officer.*** Any person who barricades or refuses police entry to any premises through use or threat of force and fails to leave upon request by a peace officer outside the structure, and holds a hostage by feigning possession of a deadly weapon commits a class 5 felony. 18-9-119 (7)
89. ***Terrorist training activities.*** Any person who teaches, demonstrates, practices with, or is instructed in the use, application, or making of firearms, explosive or incendiary devices, or techniques capable of causing injury or death and who knows that the same will be used in the furtherance of a civil disorder commits a class 5 felony. 18-9-120 (2)
90. ***Bias-motivated crimes.*** Knowingly causing bodily injury to another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation constitutes a class 5 felony. 18-9-121 (3)
91. ***Cruelty to animals.*** A second or subsequent conviction of aggravated cruelty to animals (knowing torture, torment, or killing) is a class 5 felony. 18-9-202 (2) (c)
92. ***Killing animals in contest.*** Any person who causes, sponsors, arranges, or encourages a fight between animals for monetary gain or entertainment commits a class 5 felony. 18-9-204 (2)
93. ***Unlawful ownership of dangerous dog.*** Any person who owns a dangerous dog when the dog causes the death of a person commits a class 5 felony. 18-9-204.5 (3) (d)
94. ***Wiretapping and eavesdropping devices prohibited.*** Any person who possesses instruments or devices for wiretapping or eavesdropping with intent to unlawfully use or employ such devices commits a class 5 felony upon a second or subsequent offense. 18-9-302

Gambling

95. ***Professional gambling.*** A person who engages in professional gambling and is a repeated gambling offender commits a class 5 felony. 18-10-103 (2)

Offenses Involving Disloyalty

96. ***Insurrection.*** Any person who intentionally, by force, resists the execution of state law or engages or participates with any armed force to invade the state, commits the class 5 felony of insurrection. 18-11-102 (2)

Elements of Offense

C.R.S. Citation

97. ***Advocating overthrow of government.*** Anyone who advocates the destruction or overthrow of the government of the United State or of Colorado by violent force or action commits sedition, which is a class 5 felony. 18-11-201 (2)
98. ***Membership in anarchistic and seditious associations.*** Any person who is a member of an unlawful organization which advocates violent and forceful change in the state of Colorado or in the United States commits a class 5 felony. 18-11-203 (2)

Offenses Relating to Firearms and Weapons

99. ***Possessing a dangerous or illegal weapon.*** A person who knowingly possesses a dangerous weapon commits a class 5 felony. 18-12-102 (3)
100. ***Use of stun guns.*** The use of a stun gun in the commission of a criminal offense is a class 5 felony. 18-12-106.5
101. ***Offenses relating to firearms.*** Any person who has within five years previously been convicted of possessing an illegal weapon, possessing a defaced firearm, unlawfully carrying a concealed weapon, or using a weapon in a prohibited manner, shall upon conviction for a second or subsequent offense be guilty of a class 5 felony. 18-12-107
102. ***Illegal discharge of a firearm.*** Illegal discharge of a firearm is a class 5 felony. 18-12-107.5 (3)
103. ***Possession of weapons by previous offenders.*** Possession of a weapon by a previous offender subsequent to the offender's conviction for a felony, or for conspiracy or attempt to commit a felony, is a class 5 felony when the weapon is a dangerous weapon. 18-12-108 (2) (b)
104. ***Possession of weapons by previous offenders.*** Possession of a weapon by a previous offender subsequent to the offender's conviction for a felony, or for conspiracy or attempt to commit a felony, is a class 5 felony when the previous conviction was for burglary, arson, or any felony involving the use of force or a deadly weapon. 18-12-108 (2) (c)
105. ***Possession of weapons by previous offenders.*** Possession of a weapon by a previous offender subsequent to the person's adjudication as a juvenile for an act that would have constituted a felony if committed by an adult, or for attempt or conspiracy to commit a felony, is a class 5 felony when the weapon is a dangerous weapon. 18-12-108 (4) (b)

Elements of Offense

C.R.S. Citation

106. ***Possession of weapons by previous offenders.*** Possession of a weapon by a previous offender subsequent to the offender's adjudication for a felony, or for conspiracy or attempt to commit a felony, is a class 5 felony when the previous adjudication was for burglary, arson, or any felony involving the use of force or a deadly weapon. 18-12-108 (4) (c)
107. ***Possession of handguns by juveniles.*** Possession of any handgun by a person who has not attained the age of 18 years is a class 5 felony for a second or subsequent offense. 18-12-108.5 (1) (c) (II)
108. ***Possession, use, or removal of explosives or incendiary devices.*** Any person who manufactures or possesses or who gives, mails, sends, or causes to be sent any false, facsimile, or hoax explosive or incendiary device or chemical, biological, or radiological weapon to another person or places any such purported explosive or incendiary device or chemical, biological, or radiological weapon in or upon any real or personal property commits a class 5 felony. 18-12-109 (7)

Miscellaneous Offenses

109. ***Violation concerning sale of secondhand property.*** Upon a second or subsequent conviction within a three-year period, any dealer in secondhand property who fails to make record of a sale exceeding \$30, to deliver such record to local law enforcement agencies, or to retain such record for a one-year period commits a class 5 felony. 18-13-114 (6) (a)

Offenses — Making, Financing, or Collection of Loans

110. ***Financing extortionate extensions of credit.*** Any person advancing money or property to another whom he or she reasonably suspects will use such money or property for the purpose of making an extortionate extension of credit commits a class 5 felony. 18-15-105

Uniform Controlled Substances Act of 1992

111. ***Unlawful use of a controlled substance.*** Any person who uses any controlled substance, except its lawful administration for bona fide medical needs, commits a class 5 felony in the case of a schedule I or II controlled substance. *This new offense only takes effect if current law (the class 6 felony in 18-18-404 (1) (a) (I)) is repealed. Current law is repealed if, during any fiscal year after July 1, 2007, \$2.2 million have not been appropriated to the Drug Offender Treatment Fund.* 18-18-404 (1.1) (a) (I)
112. ***Unlawful activity relating to controlled substances.*** It is unlawful to manufacture, dispense, sell, possess, or distribute a controlled substance, and it is a class 5 felony: 18-18-405

Elements of Offense

C.R.S. Citation

- if a person is convicted of a first offense for such activity in the case of schedule IV controlled substances; or (2) (a) (III) (A), (2.1) (a) (III) (A)
 - if the offense is committed subsequent to a prior conviction of the same offense in any U.S. state or U.S. territory for such activity in the case of schedule V controlled substances. (2) (a) (IV) (B), (2.1) (a) (IV) (B)
113. ***Offenses relating to marihuana.*** The following offenses relating to marihuana or marihuana concentrate are class 5 felonies: 18-18-406
- a conviction, subsequent to a prior conviction of the same offense in any U.S. state or U.S. territory, for possession of more than one ounce but less than eight ounces of marihuana; (4) (a) (II)
 - an initial conviction for possession of eight ounces or more of marihuana or any amount of marihuana concentrate. (4) (b) (I)
114. ***Unlawful use of marihuana in a detention facility.*** Any person confined in any detention facility in this state commits a class 5 felony for a second or subsequent violation where both the initial and subsequent violations involved possessing more than one ounce of marihuana. 18-18-406.5 (1)
115. ***Fraud and deceit.*** Violation of any of the provisions of section 18-18-415 regarding obtaining a controlled substance by fraud, deceit, misrepresentation, or subterfuge is a class 5 felony. 18-18-415 (2) (a)
116. ***Imitation controlled substances.*** The manufacture, distribution, or possession with intent to distribute an imitation controlled substance is a class 5 felony. 18-18-422 (1) (b) (I)
117. ***Counterfeit substances.*** The knowing intent to manufacture, deliver, or possess or to intentionally make, distribute, or possess any equipment designed to reproduce a counterfeit controlled substance is a class 5 felony. 18-18-423 (3)

Offenses Related to Limited Gaming

118. ***Violation of taxation provisions.*** Any person who makes any false or fraudulent return in attempting to defeat or evade taxes imposed by the Colorado Limited Gaming Act commits a class 5 felony. 18-20-103 (1) (a)
119. ***Violation of taxation provisions - gaming.*** Any person who, twice or more within one year, fails to pay tax due within 30 days after the date due, or fails to file a return within 30 days after the date the return is due, pursuant to the Colorado Limited Gaming Act commits a class 5 felony. 18-20-103 (1) (d)

Elements of Offense

C.R.S. Citation

120. ***Violation of taxation provisions - gaming.*** Any person who wilfully aids or assists in, or procures, counsels, or advises the preparation or presentation of a return, affidavit, claim, or other document which is fraudulent or false pursuant to the Colorado Limited Gaming Act commits a class 5 felony. 18-20-103 (1) (e)
121. ***False statement on application.*** Any person who knowingly makes a false statement in any application for a license or who provides false or misleading information or who fails to keep books and records to substantiate receipts or expenses or who falsifies any books or records related to any transaction connected with limited card games or slot machines or who knowingly violates any of the provisions of or rules and regulations promulgated pursuant to the Colorado Limited Gaming Act commits a class 5 felony. 18-20-104
122. ***Slot machines.*** Any violation of the provisions of section 18-20-105 (1) regarding the requirements for shipping notices of slot machines commits a class 5 felony. 18-20-105 (1)
123. ***Cheating.*** Cheating at any limited gaming activity is a class 5 felony when the offender has been issued a license pursuant to the Colorado Limited Gaming Act and is a repeat gambling offender. 18-20-106 (3)
124. ***Fraudulent acts - gaming.*** Violation of any of the provisions of section 18-20-107 regarding fraudulent acts pursuant to the Colorado Limited Gaming Act is a class 5 felony when the offender has been issued a license pursuant to the Act and is a repeat gambling offender. 18-20-107 (2)
125. ***Use of device for calculating probabilities.*** Any person who uses or possesses a device intended to project the outcome of a game, keep track of cards played, analyze the probability of the occurrence of an event in the game or analyze the strategy for playing a game pursuant to the Colorado Limited Gaming Act commits a class 5 felony when the offender has been issued a license pursuant to the Act and is a repeat gambling offender. 18-20-108 (2)
126. ***Counterfeit or unapproved chips or tokens - unlawful coins or devices.*** Violation of any of the provisions of section 18-20-109 regarding the use of counterfeit or unapproved chips or tokens or unlawful coins or devices or the possession or unlawful devices, equipment, products or materials pursuant to the Colorado Limited Gaming Act is a class 5 felony when the offender has been issued a license pursuant to the Act and is a repeat gambling offender. 18-20-109 (8)
127. ***Cheating game and devices.*** Any person who knowingly conducts or allows any cheating or thieving game or conducts any game played with cards or a mechanical device which has been marked commits a class 5 felony when the person has been issued a license pursuant to the Colorado Limited Gaming Act and is a repeat gambling offender. 18-20-110 (2)

Elements of Offense

C.R.S. Citation

128. ***Unlawful manufacture, sale, distribution, marking, altering, or modification of equipment and devices associated with limited gaming.*** Any person who violates any of the provisions of section 18-20-111 regarding the unlawful manufacture, sale, distribution, marking, altering, or modification of equipment or devices related to limited gaming commits a class 5 felony when the offender has been issued a license pursuant to the Colorado Limited Gaming Act and is a repeat gambling offender. 18-20-111 (4)
129. ***Unlawful entry by excluded and ejected persons.*** Any person who enters the licensed premises of a limited gaming licensee or who has any personal pecuniary interest in any limited gaming licensee or establishment when that person's name is on the list of persons who are to be excluded and ejected from such premises commits a class 5 felony. 18-20-112 (3)
130. ***False or misleading information.*** Any person who provides any false or misleading information pursuant to the Colorado Limited Gaming Act commits a class 5 felony. 18-20-114 (2)

State History, Archives, and Emblems

131. ***Punishment for illegal use of state emblems and symbols.*** Illegal use of the seal of the state of Colorado is a class 5 felony. 24-80-902

Government — State Department of Public Health and Environment

132. ***Department of Public Health - penalties.*** An attempt or threat to tamper with a public water system or with drinking water after its withdrawal for or treatment by a public water system is a class 5 felony. 25-1-114 (5) (b) (II)

Government — Local Hazardous Substance Incidents

133. ***Hazardous substance incidents.*** Any person who willfully, recklessly, or with criminal negligence causes or substantially contributes to the occurrence of a hazardous substance incident commits a class 5 felony. 29-22-108 (2)

Wildlife — Law Enforcement and Penalties

134. ***Illegal sale of wildlife.*** It is unlawful for any person to sell or purchase or offer for sale or purchase any wildlife or to solicit another person in the illegal taking of any wildlife for the purpose of monetary or commercial gain or profit. Violation with respect to big game, endangered species, or eagles, constitutes a class 5 felony. 33-6-113 (2) (a)

Elements of Offense

C.R.S. Citation

135. ***Willful destruction of wildlife.*** It is unlawful for a person to take or to solicit another person to take wildlife and detach or remove, with the intent to abandon the carcass or body, only the head, hide, claws, teeth, antlers, horns, internal organs, or feathers or any or all of such parts; to abandon the carcass or body of such wildlife; or to take and abandon wildlife. Violation, with respect to big game, eagles and endangered species, is a class 5 felony. 33-6-117 (1) (a)

Agriculture — Slaughter, Processing, and Sale of Meat Animals

136. ***Sale of diseased meat.*** The unlawful sale of diseased meat for slaughter or human consumption is a class 5 felony. 35-33-204 (2)

Agriculture — Sale of Stock

137. ***Selling livestock without bill of sale - theft.*** Any person who sells livestock which does not carry the seller's brand, or for which he or she has no bill of sale or power of attorney, is guilty of a class 5 felony (see section 18-4-401 (5)). 35-54-105 (1)

Property — Real and Personal — Lien on Wells and Equipment

138. ***Penalty for removing property covered by a lien on a well or equipment.*** Any person who removed property covered by a lien on a well or equipment when the lien has been filed is guilty of a class 5 felony (see section 18-4-401(5)). 38-24-108

Taxation — Procedure and Administration

139. ***Tax amnesty program.*** The following violations involving the tax amnesty program are class 5 felonies: 39-21-118

- willfully attempting to evade or defeat any tax administered; 39-21-118 (1)
- failing to collect or account for or pay such tax; 39-21-118 (2)
- willfully making or subscribing a return, statement, or document that is not true or not correct as to every material matter; and 39-21-118 (4)
- willfully aiding or assisting in the fraudulent or false giving of information. 39-21-118 (5)

Elements of Offense

C.R.S. Citation

Automobile Theft Law

140. ***Accidents involving death or personal injury.*** The driver of any vehicle who fails to stop at an accident resulting in serious bodily injury to another in which he or she was directly involved commits a class 5 felony. 42-4-1601 (2) (b)
141. ***Stolen motor vehicle parts.*** Any person who buys, sells, exchanges, or alters the appearance of a motor vehicle or motor vehicle part which is the property of another, or any person who aids in the commission of any such act and who knows or should know that such motor vehicle or motor vehicle part is stolen property, commits a class 5 felony. 42-5-102 (1)
142. ***Stolen motor vehicle parts.*** Any person who, except as needed for legitimate repairs, intentionally removes, alters, or obliterates a motor vehicle identification number, manufacturer's number, or engine number or who knowingly possesses a motor vehicle or motor vehicle part containing a removed, altered, or obliterated vehicle identification number, manufacturer's number, or engine number commits a class 5 felony. 42-5-102 (2)
143. ***Tampering with a motor vehicle.*** Tampering with a motor vehicle is a class 5 felony if the damage is \$500 or more but less than \$15,000. 42-5-103 (2) (b)
144. ***Theft of motor vehicle parts.*** Theft of motor vehicle parts is a class 5 felony if the value of the thing involved is \$500 or more but less than \$15,000. 42-5-104 (2) (b)
145. ***Theft of motor vehicle parts.*** Theft of motor vehicle parts two or more times within a period of six months without having been placed in jeopardy for the prior offense or offenses is a class 5 felony if the aggregate value of the things involved is \$500 or more but less than \$15,000. 42-5-104 (3)