

CLASS 5 FELONIES

Elements of Offense

C.R.S. Citation

ELECTIONS

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, as described in section 18-5-102 (2), which is a class 5 felony. 1-13-106
2. **Voting by persons not entitled to vote.** Any person voting in any election provided by law knowing that he or she is not entitled to vote in such election commits a class 5 felony. 1-13-704.5 (1)

CONSUMER AND COMMERCIAL AFFAIRS

Colorado Antitrust Act of 1992

3. **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 of trade or commerce, monopolization, and bid-rigging is a class 5 felony. 6-4-117 (2)

Colorado Charitable Solicitations Act

4. **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)
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)

LABOR AND INDUSTRY

Offenses Related to the Division of Labor

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

Offenses Related to Workers' Compensation

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

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FINANCIAL INSTITUTIONS

Offenses Related to Savings and Loan Associations

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)

Colorado Banking Code

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

Offenses Related to Medical Practice

9. ***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

10. ***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 the physician to perform an abortion without providing written notice required by Article 37.5 of Title 12. 12-37.5-106 (3)

Offenses Related to Alcoholic Beverages

11. ***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

12. ***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)
- 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)

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- 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)
13. ***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
14. ***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)
15. ***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)
16. ***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)
17. ***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)
18. ***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)
19. ***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)
20. ***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)
21. ***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)
22. ***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)

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Offenses Related to Real Estate

23. **Real estate appraisers.** A second or subsequent offense of acting as a real estate appraiser without a license or certificate that occurs within five years after the date of a prior conviction for the same offense is a class 5 felony. 12-61-712 (2)

DOMESTIC MATTERS

Offenses Related to Desertion and Nonsupport

24. **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)

PROBATE, TRUSTS, AND FIDUCIARIES

Colorado Medical Treatment Decision Act

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

CRIMINAL CODE

Inchoate Offenses

26. **Criminal attempt.** A person who intentionally engages in conduct that constitutes a substantial step toward the commission of a class 4 felony commits a class 5 felony. 18-2-101 (4)
27. **Criminal conspiracy.** A person who agrees with another person to engage in conduct that constitutes a class 4 felony or an attempt to commit a class 4 felony, with the intent to facilitate or promote the commission of such a crime, or agrees to aid another person in planning or committing the crime or attempting to commit the crime, commits a class 5 felony. 18-2-206 (1)
28. **Criminal solicitation.** A person who attempts to persuade another person to commit a class 4 felony commits a class 5 felony. 18-2-301 (5)

Offenses Against the Person

29. **Criminally negligent homicide.** A person who causes the death of another person by conduct amounting to criminal negligence commits a class 5 felony. 18-3-105
30. **Assault in the first degree.** If assault in the first degree is committed 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)

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31. **Vehicular assault.** A 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)
32. **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)
33. **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)
34. **Violation of custody order.** A 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)
- A 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)
35. **Internet luring of a child.** A person who knowingly communicates over a computer or computer network, telephone network, or data network or by text message or instant message to a person who the actor knows or believes to be under the age of 15 and, in that communication or in any subsequent communication, describes explicit sexual conduct and makes a statement persuading or inviting the person to meet the actor (who is more than four years older than the other person or than the age the actor believes the other person to be) commits a class 5 felony. 18-3-306 (3)
36. **Failure to register as a sex offender.** A second or subsequent offense of failure to register as a felony sex offender is a class 5 felony. 18-3-412.5 (2) (a)
37. **Stalking.** A person commits the class 5 felony of stalking if he or she knowingly makes a credible threat to another person (or causes that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship serious emotional distress) that involves repeatedly following, approaching, contacting, placing under surveillance, or making any form of communication that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship. 18-3-602 (3) (a)

Offenses Against Property

38. **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)
39. **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)
40. **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)
41. **Theft of rental property.** Theft of rental property when the value of the thing involved is \$1,000 or more, but less than \$20,000, is a class 5 felony. 18-4-402 (4)

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- 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 \$20,000, is a class 5 felony. 18-4-402 (6)
42. **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. A second or subsequent offense within five years of a prior offense is a class 5 felony. 18-4-408 (3)
43. **Aggravated motor vehicle theft.** A person who obtains or exercises control over the motor vehicle of another without authorization or by threat or deception and the value of the motor vehicle or vehicles involved is more than \$20,000 commits a class 5 felony. 18-4-409 (4)
44. **First degree criminal trespass.** A person who knowingly and unlawfully enters a building or enters a car with intent to commit a crime therein commits a class 5 felony. 18-4-502
45. **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

46. **Forgery.** A person commits the class 5 felony of forgery if, with the intent to defraud, he or she falsely makes, completes, or alters a written instrument listed in section 18-5-102 (1) (a) through (1) (g). 18-5-102 (2)
47. **Offering a false instrument for recording.** An individual who offers for recording with the intent to defraud a false written instrument relating to or affecting real or personal property or directly affecting contractual relationships commits a class 5 felony. 18-5-114 (2)
48. **Defrauding a secured creditor or debtor.** Defrauding a secured creditor or debtor is a class 5 felony if the value of the collateral or the amount owed is at least \$1,000, but less than \$20,000. 18-5-206 (1) (c) and (2) (c)
49. **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)
50. **Failure to pay over assigned accounts.** Failure to pay over assigned accounts where the amount of such proceeds withheld is at least \$1,000 is a class 5 felony. 18-5-502
51. **Concealment or removal of secured property.** Concealment or removal of secured property where the value of the property concealed or removed is at least \$1,000 is a class 5 felony. 18-5-504
52. **Failure to pay over proceeds.** Failure to pay over proceeds of security interest in personal property where the amount of the proceeds withheld is at least \$1,000 is a class 5 felony. 18-5-505
53. **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 \$1,000 but is less than \$20,000 is a class 5 felony. 18-5-702 (3) (c)
54. **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)

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- 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)
55. **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)
56. **Equity skimming of real property.** A person commits the class 5 felony of equity skimming of real property if he or she acquires an interest in real property that is encumbered by a loan and the loan is in arrears; and either: a) fails to apply all rent derived from the property first toward the satisfaction of all outstanding payments due on the loan and second toward any homeowner's association dues or fees; or b) after a foreclosure, collects rent on behalf of any person other than the owner of the property. 18-5-802 (3)
57. **Criminal possession of a financial device.** Criminal possession of a financial device is a class 5 felony if it involves the possession or control of four or more lost or stolen financial devices, at least two of which are issued to different account holders. 18-5-903 (2) (c)
58. **Gathering identity information by deception.** A person commits the class 5 felony of gathering information by deception if he or she makes or conveys a false statement, without permission or lawful authority, with the intent to obtain, record, or access the personal identifying information or financial identifying information of another. 18-5-904 (2)
59. **Possession of identity theft tools.** A person commits the class 5 felony of possession of identity theft tools if he or she possesses any tools, equipment, computer, computer network, scanner, printer, or other article adapted, designed, or commonly used for committing or facilitating the commission of identity theft with the intent to use the tools to commit identity theft. 18-5-905 (2)

Offenses Involving the Family Relations

60. **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)
61. **Child abuse.** A second or subsequent offense of child abuse where no death or serious bodily injury occurred is a class 5 felony if the new offense involved any of the following acts: a) the defendant, who was in a position of trust with respect to the child, participated in a continued pattern of conduct resulting the child's malnourishment or failed to ensure the child's access to proper medical care; b) the defendant participated in a continued pattern of cruel punishment or unreasonable isolation or confinement of the child; c) the defendant made repeated threats of harm or death in the presence of the child to the child or to a significant person in the child's life; d) the defendant committed a continued pattern of acts of domestic violence in the presence of the child; or e) the defendant participated in a continued pattern of extreme deprivation of hygienic or sanitary conditions in the child's daily living environment. 18-6-401 (7) (e)

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62. **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)

Wrongs Against At-risk Adults and At-risk Juveniles

63. **Criminal negligence.** Any person whose conducts 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)
64. **Assault.** Assault in the second degree, as described in section 18-3-203, 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, is a class 5 felony. 18-6.5-103 (3) (b)
65. **Theft.** Any person who commits theft, as described in section 18-4-401, 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, or who is in a position of trust with regard to the at-risk adult or at-risk juvenile, regardless of whether the act took place in the presence of the victim, 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

66. **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)
67. **Pandering.** Any person who, for money or other thing of value, induces another person by menacing or criminal intimidation to commit prostitution commits a class 5 felony. 18-7-203 (2)

Offenses — Governmental Operations

68. **Sexual conduct in penal institutions.** Sexual conduct in a correctional institution is a class 5 felony if the conduct includes sexual intrusion or penetration and is committed by an employee, contractor, or any individual who performs work functions in a correctional facility or for the Department of Corrections, Department of Human Services, or for a community corrections program. 18-7-701 (3)
69. **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 committing a class 1 or class 2 felony. 18-8-105 (4)
- 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, a felony other than a class 1 or class 2 felony. 18-8-105 (5)
70. **Disarming a peace officer.** It is a class 5 felony to knowingly, without justification and without consent, remove the firearm of a peace officer who is acting under color of official authority. 18-8-116 (2)
71. **Aiding escape from mental hospital.** Any person who aids the escape of any inmate from an institution for the care and treatment of persons with mental illness knowing the person was committed pursuant to the criminal insanity statute commits a class 5 felony. 18-8-201.1

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72. **Escape.** Escape while confined pursuant to the criminal insanity statute (Article 8 of Title 16) if the person was charged with a felony at the proceeding in which he or she was committed is a class 5 felony if the person travels outside the state of Colorado.
Escape is a class 5 felony if the person was in custody or confinement pursuant to the "Uniform Extradition Act." 18-8-208 (6) (c)
18-8-208 (8)
73. **Attempt to escape.** Attempt to escape is a class 5 felony if the person was serving a direct sentence to a community corrections facility or was placed in an intensive supervision parole program following a felony conviction. 18-8-208.1 (1.5)
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)
74. **Persons in custody or confinement for unclassified offenses.** A person who violates section 18-8-201 (aiding escape), section 18-8-206 (assault during escape), or section 18-8-208 (escape) while in custody or confined for a felony offense which is unclassified or which was not classified at the time the custody or confinement began is deemed to have been in custody or confinement for a class 5 felony. 18-8-210
75. **Riots in detention facilities.** 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)
76. **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 Adult Offender Supervision, and does not receive such approval, commits a class 5 felony. 18-8-213 (2)
77. **Embezzlement of public property.** A class 5 felony is committed when a public servant converts public moneys or properties to personal use or to any use other than the public use as authorized by law. 18-8-407 (2)
78. **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

79. **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 commits a class 5 felony. 18-9-102 (3)
80. **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 (2) (a)
81. **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)
82. **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)

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83. ***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)
84. ***Cruelty to animals.*** A second or subsequent conviction of aggravated cruelty to animals (knowing torture, torment, needless mutilation, or killing) is a class 5 felony. 18-9-202 (2) (c)
85. ***Animal fighting - penalty.*** 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)
86. ***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)
87. ***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 or who knowingly aids another person in unlawfully manufacturing, buying, selling, or possessing such a device commits a class 5 felony upon a second or subsequent offense. 18-9-302

Gambling

88. ***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

89. ***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)
90. ***Advocating overthrow of government.*** Any person who advocates for the destruction or overthrow of the government of the United States or of Colorado by violent force or action commits sedition, which is a class 5 felony. 18-11-201 (2)
91. ***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

92. ***Possessing a dangerous or illegal weapon.*** A person who knowingly possesses a dangerous weapon (firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife) commits a class 5 felony. 18-12-102 (3)
93. ***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
94. ***Second offense.*** 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
95. ***Illegal discharge of a firearm.*** Any person who knowingly or recklessly discharges a firearm into any dwelling or other building, occupied structure, or occupied motor vehicle commits a class 5 felony. 18-12-107.5 (3)

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96. **Possession of weapons by previous offenders.** Possession of a weapon by a previous offender is a class 5 felony when the weapon is a dangerous weapon. 18-12-108 (2) (b) and (4) (b)
- Possession of a weapon by a previous offender 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) and (4) (c)
97. **Possession of handguns by juveniles.** A second or subsequent offense of possession of a handgun by juveniles is a class 5 felony. 18-12-108.5 (1) (c) (II)
98. **Explosives or incendiary devices - chemical, biological, or radiological weapons.** Any person who manufactures or possesses or who gives, mails, or sends any false, facsimile, or hoax explosive or incendiary device or chemical, biological, or radiological weapon to another person or places any such purported device or weapon on real or personal property commits a class 5 felony 18-12-109 (7)

Miscellaneous Offenses

99. **Violation concerning sale of secondhand property.** Any dealer in secondhand property who fails to maintain proper records of sales or to deliver such records to local law enforcement agencies commits a class 5 felony if it is a second or subsequent offense within a three-year period. 18-13-114 (6) (a)

Offenses — Making, Financing, or Collection of Loans

100. **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

101. **Unlawful distribution, manufacturing, dispensing, sale, or possession.** Unlawful distribution, manufacture, dispensing, sale, or possession of a controlled substance listed in schedule IV of Part 2 of Article 18 of Title 18 is a class 5 felony. 18-18-405 (2) (a) (III) (A)
- A second or subsequent offense of unlawful distribution, manufacture, dispensing, sale, or possession of a controlled substance listed in schedule V of Part 2 of Article 18 of Title 18 is a class 5 felony. 18-18-405 (2) (a) (IV) (B)
102. **Offenses relating to marijuana.** Any person who knowingly dispenses, sells, distributes, or possesses with the intent to manufacture, dispense, sell, or distribute less than five pounds of marijuana or less than one pound of marijuana concentrate; or attempts, induces, attempts to induce, or conspires with another person to dispense, sell, distribute, or possess with the intent to manufacture, dispense, sell, or distribute less than five pounds of marijuana or less than one pound of marijuana concentrate commits a class 5 felony. 18-18-406 (6) (b) (III) (A)
- Any person who unlawfully cultivates, grows, or produces more than six, but fewer than 30, marijuana plants or knowingly allows more than six, but fewer than 30, marijuana plants to be unlawfully cultivated, grown, or produced on land that the person owns, occupies, or controls commits a class 5 felony. 18-18-406 (7.5) (b)

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103. **Unlawful distribution, manufacturing, dispensing, sale, or cultivation of synthetic cannabinoids or salvia divinorum.** Any person who knowingly manufactures, dispenses, sells, distributes, or possesses with the intent to manufacture, dispense, sell, or distribute any amount of synthetic cannabinoid or salvia divinorum, or who induces, attempts to induce, or conspires with one or more persons to do so, or who cultivates salvia divinorum with the intent to dispense, sell, or distribute any amount of salvia divinorum commits a class 5 felony. 18-18-406.2 (2)
104. **Unlawful use of marijuana in a detention facility.** A second or subsequent offense of unlawful use of marijuana in a detention facility, where both the initial and subsequent offenses involved more than one ounce of marijuana, is a class 5 felony. 18-18-406.5 (1)
105. **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)
106. **Imitation controlled substances.** Any person who manufactures, distributes, or possesses with the intent to distribute an imitation controlled substance commits a class 5 felony. 18-18-422 (1) (b) (I)
107. **Counterfeit substances.** Knowingly manufacturing, delivering, or possessing a counterfeit controlled substance or intentionally making, distributing, or possessing any equipment designed to reproduce a counterfeit controlled substance is a class 5 felony. 18-18-423 (3)

Offenses Related to Limited Gaming

108. **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)
- A second or subsequent offense of failure to pay tax or file a return pursuant to the Colorado Limited Gaming Act within a 12-month period is a class 5 felony. 18-20-103 (1) (d)
- Any person who willfully 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)
109. **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
110. **Slot machines.** Any violation of the provisions of law concerning the requirements for shipping notices of slot machines commits a class 5 felony. 18-20-105 (1)
111. **Cheating.** Cheating at any limited gaming activity when the offender has been issued a license pursuant to the Colorado Limited Gaming Act and is a repeat gambling offender is a class 5 felony. 18-20-106 (3)
112. **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)

Elements of Offense

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113. ***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)
114. ***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 of 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)
115. ***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)
116. ***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)
117. ***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 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)
118. ***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 GOVERNMENT

Offenses Related to State History, Archives, and Emblems

119. ***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

HEALTH

Offenses Related to Administration

120. ***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)

Elements of Offense

C.R.S. Citation

LOCAL GOVERNMENT

Offenses Related to Hazardous Substance Incidents

121. **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)

MUNICIPAL GOVERNMENT

Offenses Related to Powers and Functions of Cities and Towns

122. **False statement.** A person who, for the purpose of obtaining any order, benefit, award, compensation, or payment related to a fire or police pension plan, makes a false statement or representation material the benefit claim commits a class 5 felony. 31-31-1203

PARKS AND WILDLIFE

Law Enforcement and Penalties - Wildlife

123. **Illegal sale of wildlife.** Any person who sells or purchase or offers for sale or purchase any big game, endangered species, or eagles, or who solicits another person in the illegal taking of such wildlife for the purpose of monetary gain, commits a class 5 felony. 33-6-113 (2) (a)
124. **Willful destruction of wildlife.** Any person who hunts or takes, or solicits another person to hunt or take, any big game, eagles and endangered species and removes, 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 commits a class 5 felony. 33-6-117 (1) (a)

AGRICULTURE

Offenses Related to Livestock

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

REAL AND PERSONAL PROPERTY

Offenses Related to Liens

126. **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 commits a class 5 felony (see Section 18-4-401(5)). 38-24-108

Elements of Offense

C.R.S. Citation

TAXATION

Offenses Related to Specific Taxes

127. **Tax amnesty program.** It is a class 5 felony to willfully attempt to evade or defeat any tax administered. 39-21-118 (1)
- It is a class 5 felony to fail to collect or account for or pay such tax. Willfully making a materially false statement in connection with an application for a tax refund is included in this offense. 39-21-118 (2)
- It is a class 5 felony to willfully make or subscribe a return, statement, or document that is not true or not correct as to every material matter. 39-21-118 (4)
- It is a class 5 felony to willfully aid or assist in the fraudulent or false giving of information. 39-21-118 (5)

VEHICLES AND TRAFFIC

Offenses Related to the Regulation of Vehicles and Traffic

128. **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 person, in which he or she was directly involved, commits a class 5 felony. 42-4-1601 (2) (b)

Automobile Theft Law

129. **Stolen motor vehicle parts.** Any person who buys, sells, exchanges, or alters the appearance of a motor vehicle or motor vehicle part that 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)
- 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)
130. **Tampering with a motor vehicle.** Tampering with a motor vehicle is a class 5 felony if the damage is at least \$1,000, but less than \$20,000. 42-5-103 (2) (b)
131. **Theft of motor vehicle parts.** Theft of motor vehicle parts is a class 5 felony if the value of the thing involved is at least \$1,000, but less than \$20,000. 42-5-104 (2) (b)
- Theft of motor vehicle parts two or more times within a period of six months is a class 5 felony if the aggregate value of the things involved is at least \$1,000, but less than \$20,000. 42-5-104 (3)

