

CLASS 2 FELONIES

Elements of Offense

C.R.S. Citation

PROBATE, TRUSTS, AND FIDUCIARIES

Offenses Related to Declarations - Future Medical Treatment

1. ***Falsifying or forging a declaration.*** Any person who falsifies or forges a declaration of another, and the terms of the declaration are carried out, resulting in the death of the purported declarant, commits a class 2 felony. 15-18-113 (3)

CRIMINAL CODE — INCHOATE OFFENSES

Inchoate Offenses

2. ***Criminal attempt.*** If a person intentionally engages in conduct that constitutes a substantial step toward the commission of a class 1 felony, that person commits a class 2 felony. 18-2-101 (4)
3. ***Criminal conspiracy.*** A person who agrees with another person to engage in conduct that constitutes a class 1 felony or an attempt to commit a class 1 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 2 felony. 18-2-206 (1)
4. ***Criminal solicitation.*** A person who attempts to persuade another person to commit a class 1 felony commits a class 2 felony. 18-2-301 (5)

CRIMINAL CODE — OFFENSES AGAINST THE PERSON

Homicide and Related Offenses

5. ***Murder in the second degree.*** A person commits the class 2 felony of murder in the second degree if he or she knowingly causes the death of a person. 18-3-103 (3) (a)

Kidnapping

6. ***First degree kidnapping.*** First degree kidnapping is a class 2 felony if the kidnapped person was liberated unharmed prior to the actor's conviction. 18-3-301 (3)
7. ***Second degree kidnapping.*** Second degree kidnapping is a class 2 felony if the person kidnapped is a victim of a sexual offense or a robbery. 18-3-302 (3) (a)

Elements of Offense

C.R.S. Citation

Unlawful Sexual Offenses

8. **Sexual assault.** Sexual assault is a class 2 felony when: a) more than one person aids the actor in the assault; b) the victim suffers serious bodily injury; or c) the actor uses a deadly weapon, or uses an article fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally that the actor is armed with a deadly weapon, and uses the deadly weapon, article, or representation to cause the victim to submit. 18-3-402 (5)

Human Trafficking and Slavery

9. **Trafficking in adults.** A person commits the class 2 felony of trafficking in adults if the actor: a) sells, exchanges, barter, or leases an adult (a person who is 18 years of age or older) who is illegally present in the United States and receives anything of value for the adult as a result of the transaction; or b) receives such an adult as a result of such a transaction. 18-3-501 (3)
10. **Trafficking in children.** A person commits the class 2 felony offense of trafficking in children if he or she: a) sells, exchanges, barter, or leases a child (a person who is under the age of 18) and receives anything of value for the child as a result of the transaction; or b) receives a child as a result of such a transaction. 18-3-502 (3)

Offenses Against Pregnant Women

11. **Unlawful termination of pregnancy in the first degree.** A person who, with intent to unlawfully terminate the pregnancy of another, terminates the other's pregnancy commits unlawful termination of pregnancy in the first degree, a class 2 felony if the woman dies as a result. 18-3.5-103 (2)

CRIMINAL CODE — OFFENSES AGAINST PROPERTY

Burglary and Related Offenses

12. **First degree burglary of controlled substances.** A person who engages in first degree burglary involving controlled substances within a pharmacy or other place that has lawful possession thereof commits a class 2 felony. 18-4-202 (3)

Robbery

13. **Aggravated robbery of controlled substances.** It is a class 2 felony if robbery of controlled substances involves the use of a deadly weapon, placing the victim in fear of death or injury, or being aided and abetted by an armed confederate. 18-4-303 (2)

Elements of Offense

C.R.S. Citation

Theft

14. **Theft.** A person commits theft if he or she knowingly obtains, retains, or exercises control over anything of value belonging to another without authorization, or by threat or deception, or receives, loans money on, or disposes of anything of value or belonging to another that he or she knows or believes to have been stolen and: a) intends to deprive the other person permanently of the use or benefit of the thing of value; b) knowingly uses, conceals, or abandons the thing of value in such a manner as to deprive the owner permanently of its use or benefit; c) uses, conceals, or abandons the thing of value intending that such use, concealment, or abandonment will deprive the owner permanently of its use or benefit; or d) demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the owner; or e) knowingly retains the thing of value for more than 72 hours after the agreed-upon time of return in any lease or hire agreement. It is also theft to:
- be a manufacturer, dealer, or lessor who engages in conduct to delay making a final repair that is required as a consequence of the enforcement of warranties or duties under the Warranties for Assistive Technology Act of the Colorado Consumer Protection Act with the intention of requiring payment of the cost of such repair to be made by a publicly funded program of public assistance, medical assistance, or rehabilitation assistance; 6-1-409
 - be a manufacturer, dealer, or lessor who engages in conduct to delay making a final repair that is required as a consequence of the enforcement of warranties or duties under the Warranties for Facilitative Technology Act under the Colorado Consumer Protection Act with the intention of requiring payment of the cost of such repair to be made by a publicly funded program of public assistance, medical assistance, or rehabilitation assistance; 6-1-508
 - violate the trust fund provisions of law regarding preneed funeral contracts or any other misappropriation of funds; 10-15-118 (1)
 - willfully convert to his or her own use or benefit the farm products of another; 12-16-115 (1) (f)
 - if licensed as a dealer or small-volume dealer, sell farm products for less than the current market price to any person with whom such dealer has any financial connection or to sell farm products out of the purchase price of which the dealer receives any portion thereof other than the lawfully allowed commission; 12-16-115 (1) (j)
 - purchase farm products in the state and move the products to another state and issue a check in payment for those products knowing that there are insufficient funds to pay for the products; 12-16-118 (2)
 - willfully convert to his or her own use or benefit the commodities of another; 12-16-221 (1) (f)
 - sell commodities for less than the current market price to any person with whom one has any direct or indirect financial connection; 12-16-221 (1) (k)
 - sell commodities out of the purchase price of which one receives any portion thereof other than the lawfully allowed commission; 12-16-221 (1) (k)
 - exercise undue influence to convert or take possession of an at-risk elder's money, assets, or other property; 18-6.5-103 (7.5)

Elements of Offense

C.R.S. Citation

- knowingly obtain any telecommunications service by charging such service to or causing such service to be charged to a stolen or fraudulent telephone number, access device, or credit card number, or by any method of code calling, or by installing, rearranging, or tampering with any equipment, physically or electronically, or by the use of any other fraudulent means, method, trick, device, or scheme; 18-9-309 (3) (a)
 - obtain telecommunications services with fraudulent intent through the use of a false name, telephone number, address, or credit card number or through the unauthorized use of the name, telephone number, address, or credit card information of another; 18-9-309 (3) (b)
 - obtain or willfully aid or abet another, by means of a willfully false statement, representation, impersonation, or other fraudulent device, to obtain public assistance or vendor payments or medical assistance to which the person is not entitled or in an amount greater than that to which the person is justly entitled or payment of any forfeited installment grants or benefits to which the person is not entitled or in a greater amount than that to which the person is entitled; 26-1-127 (1)
 - obtain or willfully aid or abet another, by means of a willfully false statement, representation, impersonation, or other fraudulent device, to obtain food stamp coupons or authorization to purchase cards or an electronic benefits transfer card or similar device for delivering food stamp benefits to which the person is not entitled, or in a value greater than that to which the person is entitled; 26-2-305 (1)
 - file a fraudulent or false claim for a refund from the Colorado Beef Council Authority, or by any false pretense obtain or obtain a refund not legally due the actor, or sign a refund claim in the name of and for another person; 35-57-119 (4)
 - fail to pay or remit to the Colorado Sheep and Wool Authority an assessment for licensing or to knowingly falsify any document furnished in connection with such a payment or remission; 35-57.5-119 (5)
 - file a fraudulent or false claim for a refund from the Colorado Horse Development Authority, or by any false pretense obtain or obtain a refund not legally due the actor, or sign a refund claim in the name of and for another person; 35-57.8-111 (4)
 - violate the trust funds provisions of law regarding lien claims to property by subcontractors, laborers, or material providers; 38-22-127 (5)
 - remove property covered by a lien on a well or equipment when the lien has been filed; 38-24-108
 - violate the trust funds provisions of law regarding verified claims to property by subcontractors, laborers, or material providers; 38-26-109 (4)
 - misappropriate funds held in escrow or a trustee account; 38-40-101 (4)
 - as a unit operator or first purchaser, collect but fail to remit the tax from the fractional interest owners pursuant to the property tax collection article. 39-10-106 (4) (b) (III)
- Theft is a class 2 felony if the value of the thing involved is \$1 million or more. 18-4-401 (2) (j)

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C.R.S. Citation

**CRIMINAL CODE —
OFFENSES INVOLVING THE FAMILY RELATIONS**

Wrongs to Children

15. ***Child abuse.*** A person who knowingly or recklessly commits child abuse and such abuse results in the death of a child commits a class 2 felony. 18-6-401 (7) (a) (I)

**CRIMINAL CODE —
WRONGS TO AT-RISK ADULTS AND AT-RISK JUVENILES**

Crimes Against At-Risk Adults

16. ***Crimes against at-risk adults and at-risk juveniles.*** A person who commits a crime of assault in the first degree when the victim is an at-risk adult or at-risk juvenile commits a class 2 felony. 18-6.5-103 (3) (a)
17. ***Crimes against at-risk adults and at-risk juveniles.*** Sexual assault or first degree sexual assault against an at-risk adult or an at-risk juvenile is a class 2 felony. 18-6.5-103 (7) (a)
18. ***Crimes against at-risk adults and at-risk juveniles.*** Sexual assault on a child when the victim is an at-risk juvenile is a class 2 felony when the actor uses force, threat, threat of retaliation, or commits the abuse as part of a pattern. 18-6.5-103 (7) (d)
19. ***Crimes against at-risk adults and at-risk juveniles.*** Sexual assault on a child by one in a position of trust when the victim is an at-risk juvenile is a class 2 felony when the victim is less than 15 years of age. 18-6.5-103 (7) (e)

**CRIMINAL CODE —
OFFENSES RELATING TO MORALS**

Child Prostitution

20. ***Pandering of a child.*** Any person who induces a child to commit prostitution by threatening or intimidating the child commits a class 2 felony. 18-7-403 (2)

**CRIMINAL CODE —
GOVERNMENTAL OPERATIONS**

Escape and Offenses Relating to Custody

21. ***Aiding an escape.*** It is a class 2 felony to aid in the escape of a person who is in custody or confinement after being convicted of a class 1 or class 2 felony. 18-8-201 (4)

Elements of Offense

C.R.S. Citation

- 22. ***Assault during escape.*** It is a class 2 felony to commit an assault with intent to injure while attempting to escape from confinement after being convicted of a felony other than a class 1 felony. 18-8-206 (1) (b)
- 23. ***Holding hostages.*** If, while escaping from lawful custody or confinement, a person holds another hostage by force or threat, that person commits a class 2 felony. 18-8-207
- 24. ***Escape.*** It is a class 2 felony to knowingly escape confinement after being convicted of a class 1 or 2 felony. 18-8-208 (1)

**CRIMINAL CODE —
OFFENSES RELATING TO FIREARMS AND WEAPONS**

Firearms and Weapons

- 25. ***Explosives or incendiary devices - chemical, biological, or radiological weapons.*** Any person who knowingly uses, gives, mails, or sends an explosive or incendiary device or a chemical, biological, or radiological weapon or materials in the commission of or attempt to commit a felony commits a class 2 felony. 18-12-109 (4)

**CRIMINAL CODE —
MISCELLANEOUS OFFENSES**

Miscellaneous Offenses

- 26. ***Unlawful use of gamma hydroxybutyrate (GHB).*** A second or subsequent violation of unlawful use of GHB or ketamine or the immediate precursors or chemical analogs for such substances is a class 2 felony. 18-13-123 (5)

**CRIMINAL CODE —
COLORADO ORGANIZED CRIME CONTROL ACT**

Colorado Organized Crime Control Act

- 27. ***Racketeering activities.*** It is a class 2 felony to knowingly invest proceeds from a pattern of racketeering activity (as defined in section 18-17-103 (5)) or collection of an unlawful debt in real property or any enterprise, to participate in racketeering activities, or to conspire to participate in racketeering activities. 18-17-105 (1)