

CHAPTER 94

(SB 86)

AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 516 IS CREATED TO READ AS FOLLOWS:

- (1) *A person is guilty of criminal simulation in the first degree when he or she knowingly manufactures, markets, or distributes any product which is intended to defraud a test designed to detect the presence of alcohol or a controlled substance.*
- (2) *Criminal simulation in the first degree is a Class D felony.*

Section 2. KRS 516.110 is amended to read as follows:

- (1) A person is guilty of criminal simulation *in the second degree* when, *with intent to defraud, he or she*:
 - (a) ~~With intent to defraud, he~~ Makes or alters any object in such manner that it appears to have an antiquity, rarity, source, or authorship which it does not in fact possess;~~or~~
 - (b) *Uses any product to alter the results of a test designed to detect the presence of alcohol or a controlled substance in that person; or*
 - (c) ~~With knowledge of its character and with intent to defraud, he~~ Possesses an object so simulated *with knowledge of its character*.
- (2) Criminal simulation *in the second degree* is a Class A misdemeanor.

Section 3. KRS 516.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) *"Coin machine" means a coin box, turnstile, vending machine, or other mechanical or electronic device or receptacle designed:*
 - (a) *To receive a coin or bill or token made for the purpose; and*
 - (b) *In return for the insertion or deposit thereof, automatically to offer, provide, assist in providing, or permit the acquisition of property or service;*~~"Written instrument" means any instrument or article containing written or printed matter or its equivalent used for the purpose of reciting, embodying, conveying or recording information, or constituting a symbol or evidence of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.~~
- (2) "Complete written instrument" means a written instrument which purports to be a genuine written instrument fully drawn with respect to every essential feature thereof;~~or~~
- (3) *"Controlled substance" has the same meaning as it does in KRS 218A.010;*
- (4) "Incomplete written instrument" means a written instrument which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument;~~or~~
- (5)~~(4)~~ To "falsely alter" a written instrument means to change, without the authority of anyone entitled to grant it, a written instrument, whether it be in complete or incomplete form, by means of erasure, obliteration, deletion, insertion of new matter, transposition of

matter, or in any other manner, so that such instrument in its thus altered form appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker or drawer;[-]

- (6){(5)} To "falsely complete" a written instrument means to transform, by adding, inserting or changing matter, an incomplete written instrument into a complete one, without the authority of anyone entitled to grant it, so that the complete instrument appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker or drawer;[-]
- (7){(6)} To "falsely make" a written instrument means to make or draw a complete written instrument in its entirety or an incomplete written instrument, which purports to be an authentic creation of its ostensible maker or drawer, but which is not either because the ostensible maker or drawer is fictitious or because, if real, he did not authorize the making or drawing thereof;[-]
- (8){(7)} "Forged instrument" means a written instrument which has been falsely made, completed, or altered;[-]
- ~~(8) "Coin machine" means a coin box, turnstile, vending machine or other mechanical or electronic device or receptacle designed:~~
- ~~(a) To receive a coin or bill or token made for the purpose; and~~
- ~~(b) In return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or service.[-]~~
- (9) "Slug" means an object or article which by virtue of its size, shape, or any other quality is capable of being inserted, deposited, or otherwise used in a coin machine as an improper substitute for a genuine coin, bill, or token;[-]
- (10) "Value of the slug" means the value of the coin, bill, or token for which it is capable of being substituted; *and*
- (11) ***"Written instrument" means any instrument or article containing written or printed matter or its equivalent used for the purpose of reciting, embodying, conveying, or recording information, or constituting a symbol or evidence of value, right, privilege, or identification, which is capable of being used to the advantage or disadvantage of some person.***

Section 4. KRS 523.100 is amended to read as follows:

- (1) A person is guilty of unsworn falsification to authorities when, with an intent to mislead a public servant in the performance of his duty, he:
- (a) Makes a material false written statement, which he does not believe, in an application for any pecuniary or other benefit or in a record required by law to be submitted to any governmental agency;[-or]
- (b) Submits or invites reliance on any writing which he knows to be a forged instrument, as defined in[-subsection (7) of] KRS 516.010; or
- (c) Submits or invites reliance, ***except as provided in Section 2 of this Act***, on any sample, specimen, map, boundary mark, or other object he knows to be false.
- (2) Unsworn falsification to authorities is a Class B misdemeanor.

Approved April 7, 2004