CHAPTER 12.1-24
FORGERY AND COUNTERFEITING

12.1-24-01. Forgery or counterfeiting.

1. A person is guilty of forgery or counterfeiting if, with intent to deceive or harm the government or another person, or with knowledge that the person is facilitating such deception or harm by another person, the person:
   a. Knowingly and falsely makes, completes, or alters any writing; or
   b. Knowingly utters or possesses a forged or counterfeited writing.
2. Forgery or counterfeiting is:
   a. A class B felony if:
      (1) The actor forges or counterfeits an obligation or other security of the government; or
      (2) The offense is committed pursuant to a scheme to defraud another or others of money or property of a value in excess of ten thousand dollars, but not in excess of fifty thousand dollars. If the value of the property exceeds fifty thousand dollars, the offense is a class A felony.
   b. A class C felony if:
      (1) The actor is a public servant or an officer or employee of a financial institution and the offense is committed under color of office or is made possible by the actor's office;
      (2) The actor forges or counterfeits foreign money or other legal tender, or utters or possesses any forged or counterfeited obligation or security of the government or foreign money or legal tender;
      (3) The actor forges or counterfeits any writing from plates, dies, molds, photographs, or other similar instruments designed for multiple reproduction;
      (4) The actor forges or counterfeits a writing which purports to have been made by the government; or
      (5) The offense is committed pursuant to a scheme to defraud another or others of money or property of a value in excess of one thousand dollars.
   c. A class A misdemeanor in all other cases.

12.1-24-02. Facilitation of counterfeiting.

1. A person is guilty of an offense if, except as authorized by statute or by regulation, he knowingly makes, executes, sells, buys, imports, possesses, or otherwise has within his control any plate, stone, paper, tool, die, mold, or other implement or thing uniquely associated with or fitted for the preparation of any forged or counterfeited security or tax stamp or any writing which purports to be made by this government or any foreign government.
2. A person is guilty of an offense if, except as authorized by statute or by regulation, he:
   a. Knowingly photographs or otherwise makes a copy of:
      (1) Money or other obligation or security of this government or of any foreign government, or any part thereof;
      (2) Any plate, stone, tool, die, mold, or other implement or thing uniquely associated with or fitted for the preparation of any writing described in subsection 1; or
   b. Knowingly sells, buys, imports, possesses, or otherwise has within his control any photograph or copy the making of which is prohibited by subdivision a.
3. In a prosecution under this section, authorization by statute or by regulation is a defense.
4. An offense defined in this section is a class B felony if the implement or the impression relates to the forging or counterfeiting of an obligation or security of the government. Otherwise it is a class C felony.

12.1-24-03. Deceptive writings.

1. A person is guilty of an offense if, with intent to deceive or harm the government or another person, or with knowledge that the person is facilitating such a deception or harm by another person, the person knowingly issues a writing without authority to issue it or knowingly utters or possesses a deceptive writing.
2. The offense is:
   a. A class B felony if it is committed pursuant to a scheme to defraud another or others of money or property of a value in excess of ten thousand dollars.
   b. A class C felony if:
      (1) The actor is a public servant or an officer or employee of a financial institution and the offense is committed under color of office or is made possible by the actor's office; or
      (2) The offense is committed pursuant to a scheme to defraud another or others of money or property of a value in excess of one thousand dollars.
   c. A class A misdemeanor in all other cases.

12.1-24-04. Definitions.

In this chapter:

1. The definitions prescribed in section 12.1-23-10 apply.
2. A "deceptive writing" is a writing which has been:
   a. Procured by deception; or
   b. Issued without authority.
3. "Falsely alters" means to make a change in a writing, without authority, such that the writing appears to have been made by, or fully authorized by, its apparent maker.
4. "Falsely completes" means to make an addition to or an insertion in a writing, without authority, such that the writing appears to have been made by, or fully authorized by, its apparent maker.
5. "Falsely makes" means to make a writing which purports to be made by the government or another person, or a copy thereof, but which is not because the apparent maker is fictitious or because the writing was made without authority.
6. To "forge" or to "counterfeit" a writing means to falsely make, complete, or alter the writing, and a "forged" or "counterfeited" writing is a writing which has been falsely made, completed, or altered. The terms "forgery" and "counterfeiting" and their variants are intended to be synonymous in legal effect.
7. The term "obligation or other security of this state" means a bond, certificate of indebtedness, coupon, fractional note, certificate of deposit, a stamp, or other representative of value of whatever denomination, issued pursuant to a statute.
8. "Possess" means to receive, conceal, or otherwise exercise control over.
9. "Security" other than as provided in subsection 10 includes any note, stock certificate, bond, debenture, check, draft, warrant, traveler's check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of interest in tangible or intangible property, instrument or document or writing evidencing ownership of goods, wares, and merchandise, or transferring or assigning any right, title, or interest in or to goods, wares, and merchandise, uncanceled stamp issued by a foreign government (whether or not demonetized); or, in general, any instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, warrant, or right to subscribe to or purchase any of the foregoing.
10. "Tax stamp" includes any tax stamp, tax token, tax meter imprint, or any other form of evidence of an obligation running to a state, or evidence of the discharge thereof.
11. "Utter" means to issue, authenticate, transfer, publish, sell, transmit, present, use, or otherwise give currency.
12. "Without authority" includes conduct that, on the specific occasion called into question, is beyond any general authority given by statute, regulation, or agreement.

13. "Writing" means:
    a. Any paper, document, or other instrument containing written or printed matter or its equivalent, including money, a money order, bond, public record, affidavit, certificate, contract, security, or obligation.
    b. Any coin or any gold or silver bar coined or stamped at a mint or assay office or any signature, certification, credit card, token, stamp, seal, badge, decoration, medal, trademark, or other symbol or evidence of value, right, privilege, or identification which is capable of being used to the advantage or disadvantage of the government or any person.

12.1-24-05. Making or uttering slugs.

1. A person is guilty of an offense if he makes or utters a slug with intent to deprive a supplier of property or service sold or offered by means of a coin machine or with knowledge that he is facilitating such a deprivation by another person.
2. The offense is a class A misdemeanor if it involves slugs which exceed fifty dollars in value. Otherwise it is a class B misdemeanor.
3. In this section:
    a. "Slug" means a metal, paper, or other object 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 but effective substitute for a genuine coin, bill, or token.
    b. "Coin machine" means a coin box, turnstile, vending machine, or other mechanical or electronic device or receptacle designed:
        (1) To receive a coin or bill of a certain denomination or a token made for the purpose; and
        (2) In return for the insertion or deposit thereof, automatically to offer, provide, assist in providing, or permit the acquisition of property or a public or private service.
    c. "Value" of the slugs means the value of the coins, bills, or tokens for which they are capable of being substituted.