

SECOND REGULAR SESSION

HOUSE BILL NO. 850

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LIESE.

Pre-filed December 15, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3274L.011

AN ACT

To amend chapter 570, RSMo, by adding thereto one new section relating to identity fraud, with penalty provisions and an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 570, RSMo, is amended by adding thereto one new section, to be known as section 570.222, to read as follows:

570.222. 1. This section shall be known and may be cited as the "Identity Theft Protection Act".

2. As used in this section the following terms mean:

(1) "Document-making implement", any implement, impression, electronic device, or computer hardware or software, that is specifically configured or primarily used for making an identification document, a false identification document, or another document-making implement;

(2) "Identification document", a document made or card issued by or under the authority of the United States government, a state, political subdivision of a state, a foreign government, political subdivision of a foreign government, an international government, or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals;

(3) "Means of identification", any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any:

(a) Name, Social Security number, date of birth, official state or governmental issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number;

19 (b) **Unique biometric data, such as fingerprint, voice print, retina or iris image, or**
20 **other unique physical representation;**

21 (c) **Unique electronic identification number, address, or routing code; or**

22 (d) **Telecommunication identifying information or access device as defined in 18**
23 **U.S.C. section 1029(e);**

24 (4) **"Produce", to manufacture, alter, authenticate, or assemble an identification**
25 **document;**

26 (5) **"State", includes any state of the United States, the District of Columbia, the**
27 **Commonwealth of Puerto Rico, and any other commonwealth, possession, or territory of**
28 **the United States;**

29 (6) **"Financial information", any of the following information identifiable to an**
30 **individual that concerns the amount and condition or the amount or condition of an**
31 **individual's assets, liabilities, or credit:**

32 (a) **Account numbers and balances;**

33 (b) **Transactional information concerning any account; or**

34 (c) **Codes, passwords, Social Security numbers, tax identification numbers, driver's**
35 **license numbers, or any other information held for the purpose of account access or**
36 **transaction initiation.**

37 **3. A person commits the crime of identity fraud if such person:**

38 (1) **Knowingly and without lawful authority produces an identification document**
39 **or a false identification document;**

40 (2) **Knowingly transfers an identification document or a false identification**
41 **document knowing that the document was stolen or produced without lawful authority;**

42 (3) **Knowingly possesses with intent to use unlawfully or transfers unlawfully five**
43 **or more identification documents, other than those issued lawfully for the use of the**
44 **possessor, or false identification documents;**

45 (4) **Knowingly possesses an identification document, other than one issued lawfully**
46 **for the use of the possessor, or a false identification document, or financial information**
47 **with the intent that the document or financial information be used to defraud the United**
48 **States, this state, any political subdivision of this state, or any public or private entity;**

49 (5) **Knowingly transfers or possesses a document-making implement with the intent**
50 **that the document-making implement will be used in the production of a false**
51 **identification document or another document-making implement which will be so used;**

52 (6) **Knowingly possesses a false identification document that is or appears to be a**
53 **genuine identification document of the United States, this state, or any political subdivision**
54 **of this state, or any public or private entity which is stolen or produced without lawful**

55 authority knowing that the document was stolen or produced without such authority; or
56 (7) Knowingly transfers or uses with intent to defraud, without lawful authority,
57 a means of identification or financial information of another person living or dead, with
58 the intent to commit, or to aid or abet, any unlawful activity that constitutes a violation of
59 federal, state, or local law.

60 4. The provisions of this section shall not apply to any person who has not reached
61 his or her twenty-first birthday who misrepresents or misstates his or her age through the
62 presentation of any document in order to enter any premises licensed for the retail sale of
63 alcoholic beverages for the purpose of purchasing or having served or delivered to him or
64 her alcoholic beverages or attempting to purchase or have another person purchase for
65 him or her any alcoholic beverage.

66 5. Any person who violates the provisions of subsection 3 of this section shall be
67 guilty of a felony and shall be punished in the following manner:

68 (1) For a first offense by imprisonment for a term of years not to exceed three years
69 or a fine in an amount not to exceed five thousand dollars or a combination of such
70 imprisonment and fine;

71 (2) For a second offense by imprisonment for a term of years not less than three
72 years and not to exceed five years or a fine in an amount not to exceed ten thousand dollars
73 or a combination of such imprisonment and fine;

74 (3) For a third or subsequent offense by imprisonment for a term of years not to
75 exceed ten years or a fine in an amount not to exceed fifteen thousand dollars or a
76 combination of both such imprisonment and fine.

Section B. Because immediate action is necessary to prevent harm from identity fraud
2 the enactment of section A of this act is deemed necessary for the immediate preservation of the
3 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within
4 the meaning of the constitution, and the enactment of section A of this act shall be in full force
5 and effect upon its passage and approval.