

HB 916 -- Identity Theft

Sponsor: Brown

This bill makes several changes to the crime of identity theft. The bill:

- (1) Makes it a class A misdemeanor when the identity theft results in the theft or appropriation of credit, money, goods, services, or other property valued at less than \$500. Current law sets forth a penalty of six months in jail for a first offense and does not refer to the value of the stolen property;
- (2) Makes it a class D felony when the value of the stolen property is more than \$500 but not exceeding \$1,000;
- (3) Makes it a class C felony when the value of the stolen property is more than \$1,000 but not exceeding \$10,000;
- (4) Makes it a class B felony when the value of the stolen property is more than \$10,000 but not exceeding \$100,000;
- (5) Makes it a class A felony when the value of the stolen property exceeds \$100,000;
- (6) Makes the identity thief liable to the victim for civil damages of up to \$5,000 per incident or three times the amount of actual damages, whichever is greater;
- (7) Allows the victim to seek a court order restraining the identity thief from future acts that would constitute identity theft. In these actions, the court may award reasonable attorney fees to the prevailing party;
- (8) Clarifies that the estate of a deceased person may pursue civil remedies when the estate is a victim of identity theft;
- (9) Sets forth venue requirements for civil suits regarding identity theft, sets a limitation on civil suits at three years, and clarifies that a criminal conviction is not a prerequisite for a civil claim;
- (10) Clarifies that identity theft does not include a minor's misrepresentation of age by using an adult person's identification;
- (11) Makes a second offense a class D felony when the value of the property is less than \$500; and
- (12) Creates the crime of trafficking in stolen identities, a

class B felony, which is evidenced by possession of five or more identification documents.