

SCS HB 916 -- IDENTITY THEFT

This bill makes changes to the crimes of identity theft and false impersonation. 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 a penalty of six months in jail for a first offense and does not refer to the value of the stolen property;
- (2) Makes attempted identity theft a class B misdemeanor;
- (3) Makes identity theft a class D felony when the value of the stolen property is more than \$500 but does not exceed \$1,000;
- (4) Makes identity theft a class C felony when the value of the stolen property is more than \$1,000 but does not exceed \$10,000;
- (5) Makes identity theft a class B felony when the value of the stolen property is more than \$10,000 but does not exceed \$100,000;
- (6) Makes identity theft a class A felony when the value of the stolen property exceeds \$100,000;
- (7) Makes identity theft a class A felony when the identity theft is performed for the purpose of committing a terrorist act;
- (8) Makes identity theft a class C felony when the identity theft is performed for the purpose of committing an election offense;
- (9) 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;
- (10) 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 plaintiff;
- (11) Clarifies that the estate of a deceased person may pursue civil remedies when the estate is a victim of identity theft;
- (12) Sets a limitation on civil suits at five years and clarifies that a criminal conviction is not a prerequisite for a civil claim;
- (13) Clarifies that identity theft does not include a minor's

misrepresentation of age by using an adult person's identification;

(14) Clarifies that a criminal prosecution for identity theft may be conducted in any county where a victim or defendant resides, where the stolen property was located, or in any county where an element of the crime was committed;

(15) Makes a second offense of identity theft or attempted identity theft a class D felony when the value of the property is less than \$500;

(16) Creates the crime of trafficking in stolen identities, a class B felony. The crime is committed when a person possesses or transfers any means of identification for the purpose of committing identity theft. Unauthorized possession of a means of identification for five persons will be evidence of such intent; and

(17) Expands the crime of false impersonation to include the providing of a false identity to a law enforcement officer upon arrest. If the false identity is not discovered until after the person is convicted, the prosecutor must file a motion to correct the arrest records and court records. The bill also allows the court to order the expungement of the false arrest records for the person whose identity was used.