

IDENTIFICATION NUMBER FRAUD

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Chad E. Bennion

AN ACT RELATING TO COMMERCE AND TRADE AND THE CRIMINAL CODE;
DEFINING AN IDENTIFICATION NUMBER; CREATING THE CRIME OF
IDENTIFICATION NUMBER FRAUD; PROVIDING A PENALTY; AND PROVIDING AN
EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

13-33-101, Utah Code Annotated 1953

76-6-523, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **13-33-101** is enacted to read:

CHAPTER 33. IDENTIFICATION NUMBERS

13-33-101. Identification number defined -- Use by others.

"Identification number" means a series of numbers, letters, symbols, a combination of them, or any other information used to identify a person, account, business, agency, organization, or transaction, which includes:

(1) Social Security numbers;

(2) drivers' license numbers;

(3) insurance, bank, or financial institution account numbers;

(4) personal identification codes;

(5) personal identification numbers;

(6) digital signatures and private keys as defined in Section 46-3-103; and

(7) any other numbers or information which can be used to access a person's personal information or financial resources except for numbers or information that can be prosecuted as financial transaction card offenses under Sections 76-6-506 through 76-6-506.4.

Section 2. Section **76-6-523** is enacted to read:

76-6-523. Identification number fraud.

(1) As used in this section, "identification number" shall have the same meaning as in Section 13-33-101.

(2) A person is guilty of identification number fraud if, not amounting to a violation of another provision of law that carries a greater penalty, that person, without authorization and with intent to defraud or deceive, possesses, acquires, uses, or divulges the identification number of another.

(3) Identification number fraud is:

(a) a class B misdemeanor if the value of the credit, goods, services, or any other thing of value is less than \$300;

(b) a class A misdemeanor if:

(i) a value cannot be determined and the personal identifying information has been used to obtain medical information in the name of the other person without the consent of that person; or

(ii) the value of the credit, goods, services, or any other thing of value is or exceeds \$300 but is less than \$1,000;

(c) a third degree felony if the value of the credit, goods, services, or any other thing of value is or exceeds \$1,000 but is less than \$5,000; or

(d) a second degree felony if the value of the credit, goods, services, or any other thing of value is or exceeds \$5,000.

(4) Multiple violations within a 90-day period may be aggregated into a single offense, and the degree of the offense is determined by the total value of all property, money, or things obtained or sought to be obtained through the multiple violations.

Section 3. Effective date.

This act takes effect on July 1, 2000.