

IDENTITY THEFT AMENDMENT

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Julie Fisher

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding the crime of identity fraud.

Highlighted Provisions:

This bill:

► clarifies that the offense of identity fraud may include use of the fraud to obtain employment.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-1102, as last amended by Laws of Utah 2008, Chapter 361

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

Section 1. Section **76-6-1102** is amended to read:

76-6-1102. Identity fraud crime.

(1) As used in this part, "personal identifying information" may include:

(a) name;

(b) birth date;

(c) address;

(d) telephone number;

- 30 (e) drivers license number;
- 31 (f) Social Security number;
- 32 (g) place of employment;
- 33 (h) employee identification numbers or other personal identification numbers;
- 34 (i) mother's maiden name;
- 35 (j) electronic identification numbers;
- 36 (k) electronic signatures under Title 46, Chapter 4, Uniform Electronic Transactions

37 Act; or

38 (l) any other numbers or information that can be used to access a person's financial
39 resources or medical information, except for numbers or information that can be prosecuted as
40 financial transaction card offenses under Sections 76-6-506 through 76-6-506.4.

41 (2) (a) A person is guilty of identity fraud when that person:

42 (i) obtains personal identifying information of another person whether that person is
43 alive or deceased; and

44 (ii) knowingly or intentionally uses, or attempts to use, that information with
45 fraudulent intent, including to obtain, or attempt to obtain, credit, goods, services,
46 employment, any other thing of value, or medical information.

47 (b) It is not a defense to a violation of Subsection (2)(a) that the person did not know
48 that the personal information belonged to another person.

49 (3) Identity fraud is:

50 (a) except as provided in Subsection (3)(b)(ii), a third degree felony if the value of the
51 credit, goods, services, employment, or any other thing of value is less than \$5,000; or

52 (b) a second degree felony if:

53 (i) the value of the credit, goods, services, employment, or any other thing of value is
54 or exceeds \$5,000; or

55 (ii) the use described in Subsection (2)(a)(ii) of personal identifying information
56 results, directly or indirectly, in bodily injury to another person.

57 (4) Multiple violations may be aggregated into a single offense, and the degree of the

58 offense is determined by the total value of all credit, goods, services, or any other thing of
59 value used, or attempted to be used, through the multiple violations.

60 (5) When a defendant is convicted of a violation of this section, the court shall order
61 the defendant to make restitution to any victim of the offense or state on the record the reason
62 the court does not find ordering restitution to be appropriate.

63 (6) Restitution under Subsection (5) may include:

64 (a) payment for any costs incurred, including attorney fees, lost wages, and
65 replacement of checks; and

66 (b) the value of the victim's time incurred due to the offense:

67 (i) in clearing the victim's credit history or credit rating;

68 (ii) in any civil or administrative proceedings necessary to satisfy or resolve any debt,
69 lien, or other obligation of the victim or imputed to the victim and arising from the offense;
70 and

71 (iii) in attempting to remedy any other intended or actual harm to the victim incurred
72 as a result of the offense.