

Effective 5/3/2023

76-6-1102 Identity fraud.

- (1) Terms defined in Sections 76-1-101.5 and 76-6-1101 apply to this section.
- (2) An actor commits identity fraud if the actor knowingly or intentionally uses, or attempts to use, the personal identifying information of another person, whether that person is alive or deceased, with fraudulent intent, including to obtain, or attempt to obtain, credit, goods, services, employment, any other thing of value, or medical information.
- (3) A violation of Subsection (2) is:
 - (a) except as provided in Subsection (3)(b)(ii), a third degree felony if the value of the credit, goods, services, employment, or any other thing of value is less than \$5,000; or
 - (b) a second degree felony if:
 - (i) the value of the credit, goods, services, employment, or any other thing of value is or exceeds \$5,000; or
 - (ii) the use described in Subsection (2) of personal identifying information results, directly or indirectly, in bodily injury to another person.
- (4)
 - (a) It is not a defense to a violation of Subsection (2) that the actor did not know that the personal information belonged to another person.
 - (b) Multiple violations of Subsection (2) may be aggregated into a single offense, and the degree of the offense is determined by the total value of all credit, goods, services, or any other thing of value used, or attempted to be used, through the multiple violations.
- (5)
 - (a) If a defendant is convicted of a violation of this section, the court shall order the defendant to pay restitution in accordance with Title 77, Chapter 38b, Crime Victims Restitution Act.
 - (b) Restitution under Subsection (5)(a) may include:
 - (i) payment for any costs incurred, including attorney fees, lost wages, and replacement of checks; and
 - (ii) the value of the victim's time incurred due to the offense:
 - (A) in clearing the victim's credit history or credit rating;
 - (B) in any civil or administrative proceedings necessary to satisfy or resolve any debt, lien, or other obligation of the victim or imputed to the victim and arising from the offense; and
 - (C) in attempting to remedy any other intended or actual harm to the victim incurred as a result of the offense.

Amended by Chapter 111, 2023 General Session