

Effective 5/8/2018

Superseded 7/1/2021

76-6-1105 Unlawful possession of another's identification documents.

(1) As used in this section:

(a)

(i) "Identifying document" means:

(A) a government issued document commonly used for identification;

(B) a vehicle registration certificate; or

(C) any other document, image, data file, or medium containing personal identifying information as defined in Subsections 76-6-1102(1)(b) through (m).

(ii) "Identifying document" includes:

(A) a counterfeit identifying document; or

(B) a document containing personal identifying information of a deceased individual.

(b) "Possess" means to have physical control or electronic access.

(2)

(a) Under circumstances that do not constitute a violation of Section 76-6-1102 or Section 76-6-502, an individual is guilty of a class A misdemeanor if the individual:

(i) obtains or possesses an identifying document:

(A) with knowledge that the individual is not entitled to obtain or possess the identifying document; or

(B) with intent to deceive or defraud; or

(ii) assists another person in obtaining or possessing an identifying document:

(A) with knowledge that the person is not entitled to obtain or possess the identifying document; or

(B) with knowledge that the person intends to use the identifying document to deceive or defraud.

(b) Under circumstances that do not constitute a violation of Section 76-6-1102, an individual is guilty of a third degree felony if the individual:

(i) obtains or possesses identifying documents of more than two, but fewer than 100, individuals:

(A) with knowledge that the individual is not entitled to obtain or possess the identifying documents; or

(B) with intent to deceive or defraud; or

(ii) assists another person in obtaining or possessing identifying documents of more than two, but fewer than 100, individuals:

(A) with knowledge that the person is not entitled to obtain or possess the multiple identifying documents; or

(B) with knowledge that the person intends to use the identifying documents to deceive or defraud.

(c) Under circumstances that do not constitute a violation of Section 76-6-1102, an individual is guilty of a second degree felony if the individual:

(i) obtains or possesses identifying documents of 100 or more individuals:

(A) with knowledge that the individual is not entitled to obtain or possess the identifying documents; or

(B) with intent to deceive or defraud; or

(ii) assists another person in obtaining or possessing identifying documents of 100 or more individuals:

(A) with knowledge that the person is not entitled to obtain or possess the identifying documents; or

(B) with knowledge that the person intends to use the identifying documents to deceive or defraud.