

**IDENTIFICATION NUMBER FRAUD**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Chad E. Bennion**

A. Lamont Tyler

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

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

ENACTS:

~~h [13-30-1]~~ **13-32-101 h** , Utah Code Annotated 1953

**76-6-523**, Utah Code Annotated 1953

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

Section 1. ~~h [13-30-1]~~ **13-32-101 h** is enacted to read:

~~h [13-30-1]~~ **13-32-101 h** . **Identification number defined -- Use by others.**

~~h [(t)] h~~ "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:

(a) Social Security numbers;

(b) driver's license numbers;

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

~~h [(d) financial transaction card numbers;]~~ **h**

~~h [(e)] (d) h~~ personal identification codes;

~~h [(f)] (e) h~~ personal identification numbers;

~~h [(g)] (f) h~~ digital signatures; and

~~h [(h)] (g) h~~ any other h [-number] NUMBERS h or information which can be used to

access a person's personal

27 information or financial resources h EXCEPT FOR NUMBERS OR INFORMATION THAT CAN BE  
27a PROSECUTED AS FINANCIAL TRANSACTION CARD OFFENSES UNDER SECTIONS 76-6-506  
27b THROUGH 76-6-506.4 h .

28           ~~h [(2) A person's identification number or numbers may only be used by another person,~~  
29 ~~agency, business, or organization with the person's consent.] h~~

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

31           **76-6-523. Identification number fraud.**

32           (1) As used in this section, "identification number" shall have the same meaning as in  
33 Section 13-30-1.

34           (2) A person is guilty of identification number fraud if, not amounting to a violation of  
35 another provision of law that carries a greater penalty, that person, h WITHOUT AUTHORIZATION  
36a AND h with intent to defraud or  
36 deceive, possesses, acquires, uses, or divulges the identification number of another.

37           (3) Identification number fraud is:

38           (a) a second degree felony if the identification number is used and the value of the  
39 property, money, or thing obtained or sought to be obtained is or exceeds \$5,000 h IN THE  
39a AGGREGATE h ; otherwise

40           (b) a third degree felony.

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

44           Section 3. **Effective date.**

45           This act takes effect on July 1, 1999.

**Legislative Review Note**  
**as of 1-13-99 11:37 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Committee Note**

The Judiciary Interim Committee recommended this bill.