

- 28 (7) Chapter 21, Credit Services Organizations Act;
- 29 (8) Chapter 22, Charitable Solicitations Act;
- 30 (9) Chapter 23, Health Spa Services Protection Act;
- 31 (10) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 32 (11) Chapter 26, Telephone Fraud Prevention Act; [and]
- 33 (12) Chapter 28, Prize Notices Regulation Act[-];
- 34 (13) Chapter 30, Utah Personal Introduction Services Protection Act[-]; and
- 35 (14) Title 76, Chapter 6, Part 11, Financial Identity Fraud Act.

36 Section 2. Section **76-6-1101** is enacted to read:

37 **Part 11. Financial Identity Fraud**

38 **76-6-1101. Financial Identity Fraud.**

39 This act is known as the "Financial Identity Fraud Act."

40 Section 3. Section **76-6-1102** is enacted to read:

41 **76-6-1102. Financial identity fraud crime and exceptions.**

42 A person is guilty of financial identity fraud when that person, without the authorization
43 or permission of another person and with intent unlawfully to appropriate financial resources of
44 that other person to his or her own use or to the use of a third party:

45 (1) obtains or records identifying information which would assist in accessing the financial
46 resources of the other person; or

47 (2) accesses or attempts to access the financial resources of the other person through the
48 use of identifying information which may include:

49 (a) Social Security numbers;

50 (b) driver license numbers;

51 (c) checking account numbers;

52 (d) savings account numbers;

53 (e) credit card numbers;

54 (f) debit card numbers;

55 (g) personal identification numbers;

56 (h) electronic identification numbers;

57 (i) digital signatures; or

58 (j) any other numbers or information which can be used to access a person's financial

59 resources.

60 Section 4. Section **76-6-1103** is enacted to read:

61 **76-6-1103. Penalty.**

62 A violation of this part is:

63 (1) a third degree felony if the amount intended to be unlawfully appropriated is worth less
64 than \$5,000; or

65 (2) a second degree felony if the amount intended to be unlawfully appropriated is worth
66 or exceeds \$5,000.

67 Section 5. Section **76-6-1104** is enacted to read:

68 **76-6-1104. Investigation and jurisdiction.**

69 (1) The Division of Consumer Protection may investigate any complaints regarding
70 financial identity fraud as provided in Title 13, Chapter 2, Division of Consumer Protection.

71 (2) In any criminal proceeding brought pursuant to this section, the crime shall be
72 considered to have been committed in any county in which any part of the financial identity fraud
73 took place, regardless of whether the defendant was ever actually in that county.

Legislative Review Note
as of 11-30-98 5:24 PM

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

Office of Legislative Research and General Counsel

Committee Note

The Public Utilities and Technology Interim Committee recommended this bill.