1	FINANCIAL IDENTITY FRAUD
2	1999 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Gene Davis
5	AN ACT RELATING TO CRIMINAL CODE; AMENDING AUTHORITY OF THE DIVISION
6	OF CONSUMER PROTECTION; CREATING THE CRIMINAL OFFENSE OF FINANCIAL
7	IDENTITY FRAUD AND EXCEPTIONS; AND PROVIDING INVESTIGATIVE POWERS,
8	JURISDICTION, AND PUNISHMENT.
9	This act affects sections of Utah Code Annotated 1953 as follows:
10	AMENDS:
11	13-2-1, as last amended by Chapters 150 and 324, Laws of Utah 1998
12	ENACTS:
13	<b>76-6-1101</b> , Utah Code Annotated 1953
14	<b>76-6-1102</b> , Utah Code Annotated 1953
15	<b>76-6-1103</b> , Utah Code Annotated 1953
16	<b>76-6-1104</b> , Utah Code Annotated 1953
17	Be it enacted by the Legislature of the state of Utah:
18	Section 1. Section 13-2-1 is amended to read:
19	13-2-1. Consumer protection division established Functions.
20	There is established within the Department of Commerce the Division of Consumer
21	Protection. The division shall administer and enforce the following:
22	(1) Chapter 5, Unfair Practices Act;
23	(2) Chapter 10a, Music Licensing Practices Act;
24	(3) Chapter 11, Consumer Sales Practices Act;
25	(4) Chapter 15, Business Opportunity Disclosure Act;
26	(5) Chapter 16, Motor Fuel Marketing Act;
27	(6) Chapter 20, New Motor Vehicle Warranties Act;

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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 <b>76-6-1101</b> 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

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9	resources.
50	Section 4. Section <b>76-6-1103</b> is enacted to read:
51	<u>76-6-1103.</u> Penalty.
52	A violation of this part is:
53	(1) a third degree felony if the amount intended to be unlawfully appropriated is worth less
54	than \$5,000; or
65	(2) a second degree felony if the amount intended to be unlawfully appropriated is worth
56	or exceeds \$5,000.
57	Section 5. Section <b>76-6-1104</b> is enacted to read:
58	76-6-1104. Investigation and jurisdiction.
59	(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.