

**IDENTITY FRAUD AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Carlene M. Walker**

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**LONG TITLE**

**General Description:**

This bill amends the Criminal Code to include in the offense of identity fraud the unlawful use of information of persons who are deceased.

**Highlighted Provisions:**

This bill:

▶ includes the personal identifying information of persons who are deceased in the statute that prohibits the use of identifying information to commit identity fraud crimes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-1102**, as last amended by Chapter 227, Laws of Utah 2004

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

Section 1. Section **76-6-1102** is amended to read:

**76-6-1102. Identity fraud crime.**

(1) For purposes of this part, "personal identifying information" may include:

- (a) name;
- (b) address;
- (c) telephone number;

- (d) driver's license number;
- (e) Social Security number;
- (f) place of employment;
- (g) employee identification numbers or other personal identification numbers;
- (h) mother's maiden name;
- (i) electronic identification numbers;
- (j) digital signatures or a private key; or
- (k) any other numbers or information that can be used to access a person's financial resources or medical information in the name of another person without the consent of that person except for numbers or information that can be prosecuted as financial transaction card offenses under Sections 76-6-506 through 76-6-506.4.

(2) A person is guilty of identity fraud when that person knowingly or intentionally:

- (a) obtains personal identifying information of another person whether that person is alive or deceased; and

- (b) uses, or attempts to use, that information with fraudulent intent, including to obtain, or attempt to obtain, credit, goods, services, any other thing of value, or medical information in the name of another person.

(3) Identity fraud is:

- (a) a third degree felony if the value of the credit, goods, services, or any other thing of value is less than \$5,000; or

- (b) a second degree felony if the value of the credit, goods, services, or any other thing of value is or exceeds \$5,000.

(4) Multiple violations 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.