

IDENTITY FRAUD AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Carlene M. Walker

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

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;



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

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

42 (a) obtains personal identifying information of another person whether that person is

43 alive or deceased; and

44 (b) uses, or attempts to use, that information with fraudulent intent, including to obtain,

45 or attempt to obtain, credit, goods, services, any other thing of value, or medical information in

46 the name of another person.

47 (3) Identity fraud is:

48 (a) a third degree felony if the value of the credit, goods, services, or any other thing of

49 value is less than \$5,000; or

50 (b) a second degree felony if the value of the credit, goods, services, or any other thing

51 of value is or exceeds \$5,000.

52 (4) Multiple violations may be aggregated into a single offense, and the degree of the

53 offense is determined by the total value of all credit, goods, services, or any other thing of

54 value used, or attempted to be used, through the multiple violations.

Legislative Review Note

as of 1-17-05 3:16 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0118

Identity Fraud Amendments

24-Jan-05

8:52 AM

State Impact

No fiscal impact

Individual and Business Impact

No fiscal impact

Office of the Legislative Fiscal Analyst