

CRIMINAL IDENTITY FRAUD AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carlene M. Walker

House Sponsor: David Clark

LONG TITLE

General Description:

This bill modifies the Identity Fraud Act within the Criminal Code regarding use of another person's identifying information.

Highlighted Provisions:

This bill:

- ▶ provides that if a person uses another party's identifying information with fraudulent intent and to obtain anything of value, it is not a defense that the person did not know that the identifying information belonged to another person.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-1102, as last amended by Chapter 101, Laws of Utah 2005

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;

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

42 (2) (a) A person is guilty of identity fraud when that person [~~knowingly or~~
43 ~~intentionally~~]:

44 [~~(a)~~] (i) obtains personal identifying information of another person whether that person
45 is alive or deceased; and

46 [~~(b)~~] (ii) knowingly or intentionally uses, or attempts to use, that information with
47 fraudulent intent, including to obtain, or attempt to obtain, credit, goods, services, any other
48 thing of value, or medical information [~~in the name of another person~~].

49 (b) It is not a defense to a violation of Subsection (2)(a) that the person did not know
50 that the personal information belonged to another person.

51 (3) Identity fraud is:

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

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

56 (4) Multiple violations may be aggregated into a single offense, and the degree of the
57 offense is determined by the total value of all credit, goods, services, or any other thing of

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