

1 **CRIMINAL IDENTITY FRAUD AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carlene M. Walker**

5 House Sponsor: David Clark

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7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **76-6-1102**, as last amended by Chapter 101, Laws of Utah 2005

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

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

26 **76-6-1102. Identity fraud crime.**

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



- 28 (a) name;
- 29 (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.

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**Legislative Review Note**

**as of 1-26-06 9:19 AM**

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**