

IDENTITY FRAUD AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carlene M. Walker

House Sponsor: Sylvia S. Andersen

LONG TITLE

General Description:

This bill amends provisions of the Utah Criminal Code related to identity fraud.

Highlighted Provisions:

This bill:

- modifies the definition of "personal identifying information";
- provides that it is a felony of the second degree when a person fraudulently uses personal identifying information and that use results, directly or indirectly, in bodily injury to another person; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-1102, as last amended by Chapters 21 and 345, Laws of Utah 2006

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) electronic signatures under Title 46, Chapter 4, Uniform Electronic Transactions Act; 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) A person is guilty of identity fraud when that person:

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

(ii) knowingly or intentionally 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.

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

(3) Identity fraud is:

(a) [~~a~~] except as provided in Subsection (3)(b)(ii), a felony of the 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 felony of the second degree [felony] if:

(i) the value of the credit, goods, services, or any other thing of value is or exceeds \$5,000[-]; or

58 (ii) the use described in Subsection (2)(a)(ii) of personal identifying information
59 results, directly or indirectly, in bodily injury to another person.

60 (4) Multiple violations may be aggregated into a single offense, and the degree of the
61 offense is determined by the total value of all credit, goods, services, or any other thing of
62 value used, or attempted to be used, through the multiple violations.