

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 822

By: Leftwich

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1533.1, as amended by Section 1, Chapter 279, O.S.L. 2004 (21 O.S. Supp. 2004, Section 1533.1), which relates to identity theft; expanding crime of identity theft; defining term; providing for restitution; clarifying jurisdiction for crimes of identity theft; authorizing the expungement of records for identity theft victims; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1533.1, as amended by Section 1, Chapter 279, O.S.L. 2004 (21 O.S. Supp. 2004, Section 1533.1), is amended to read as follows:

Section 1533.1 A. It is unlawful for any person to willfully and with fraudulent intent obtain ~~the name, address, social security number, date of birth, place of business or employment, debit, credit or account numbers, driver license number, or any other~~ personal identifying information of another person, living or dead, with intent to use, sell, or allow any other person to use or sell such personal identifying information to obtain or attempt to obtain money, credit, goods, property, or service in the name of the other person without the consent of that person.

B. It is unlawful for any person to use with fraudulent intent the personal identity of another person, living or dead, or any personal identifying information ~~relating to the personal identity~~ of another person, living or dead, to obtain or attempt to obtain credit or anything of value.

C. It is unlawful for any person with fraudulent intent to lend, sell, or otherwise offer the use of such person's own ~~name,~~ ~~address,~~ ~~social security number,~~ ~~date of birth,~~ or any other personal identifying information or document to any other person with the intent to allow such other person to use the personal identifying information or document to obtain or attempt to obtain any identifying document in the name of such other person.

D. It is unlawful for any person to willfully create, modify, alter or change any personal identifying information of another person with fraudulent intent to obtain any money, credit, goods, property, service or any benefit or thing of value, or to control, use, waste, hinder or encumber another person's credit, accounts, goods, property, title, interests, benefits or entitlements without the consent of that person.

E. It is unlawful for any person to use personal identifying information of another person, living or dead, to avoid summons, arrest or prosecution, or to impede a criminal investigation.

F. As used in this section, "personal identifying information" includes, but is not limited to:

1. Name;
2. Address;
3. Date of birth;
4. Social security number;
5. Driver license number;
6. Bank account numbers;
7. Credit or debit card numbers;
8. Personal identification numbers (PIN);
9. Electronic identification codes;
10. Automated or electronic signatures;
11. Biometric data;
12. Fingerprints;
13. Passwords; or

14. Any other numbers or information that can be used to access the financial resources or property of a person; obtain identification, credit, money, goods or services; or act as identification.

G. Any person convicted of violating any provision of this section shall be guilty of identity theft. Identity theft is a felony offense punishable by imprisonment in the custody of the Department of Corrections for a period not to exceed two (2) years, or a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment. ~~Restitution to the victim may be ordered in addition to any criminal penalty imposed by the court.~~ The victim of identity theft may bring a civil action for damages against any person participating in furthering the crime or attempted crime of identity theft.

H. In addition to any other punishment, a person convicted of identity theft shall be ordered by the court to make restitution as the court deems appropriate to any person or the estate of any person whose personal identifying information was appropriated. The restitution may include the actual expenses of the person or the estate of the person associated with correcting inaccuracies or errors in the consumer report or other personal identifying information of the person.

I. In any proceeding brought pursuant to this section, the crime shall be considered to have been committed in any locality where the person whose identifying information was appropriated resides or, if deceased, the last place of residence, or in which any part of the offense took place, regardless of whether the defendant was ever actually in such locality.

J. Any person whose name or other identification has been used without consent by another person who has been charged or arrested using such name or identification may file a petition with the court

for relief pursuant to Sections 18 and 19 of Title 22 of the  
Oklahoma Statutes.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

50-1-470

NP

6/13/2015 8:55:26 AM