

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1329

6 By: Martin (Steve)

7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2001, Section 1533.1, as amended by Section
10 1, Chapter 279, O.S.L. 2004 (21 O.S. Supp. 2006,
11 Section 1533.1), which relates to identity theft;
12 modifying penalty; amending 21 O.S. 2001, Section
13 1760, which relates to injury, defacing or destroying
14 property; providing maximum penalty for certain
15 damage, defacement or destruction; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1533.1, as
19 amended by Section 1, Chapter 279, O.S.L. 2004 (21 O.S. Supp. 2006,
20 Section 1533.1), is amended to read as follows:

21 Section 1533.1 A. It is unlawful for any person to willfully
22 and with fraudulent intent obtain the name, address, social security
23 number, date of birth, place of business or employment, debit,
24 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

1 such personal identifying information to obtain or attempt to obtain
2 money, credit, goods, property, or service in the name of the other
3 person without the consent of that person.

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

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

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

23 E. Any person convicted of violating any provision of this
24 section shall be guilty of identity theft. Identity theft is a

1 felony offense punishable by imprisonment in the custody of the
2 Department of Corrections for a ~~period not to exceed two (2)~~ term of
3 not less than one (1) year nor more than five (5) years, or a fine
4 not to exceed One Hundred Thousand Dollars (\$100,000.00), or by both
5 such fine and imprisonment. Restitution to the victim may be
6 ordered in addition to any criminal penalty imposed by the court.
7 The victim of identity theft may bring a civil action for damages
8 against any person participating in furthering the crime or
9 attempted crime of identity theft.

10 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1760, is
11 amended to read as follows:

12 Section 1760. A. Every person who maliciously injures, defaces
13 or destroys any real or personal property not his or her own, in
14 cases other than such as are specified in Section 1761 et seq. of
15 this title, is guilty of:

16 1. A misdemeanor, if the damage, defacement or destruction
17 causes a loss which is valued at less than Two Thousand Five Hundred
18 Dollars (\$2,500.00); or

19 2. A felony, if the damage, defacement or destruction causes a
20 loss which is valued at Two Thousand Five Hundred Dollars
21 (\$2,500.00) or more.

22 B. If the damage, defacement or destruction is valued at Five
23 Hundred Dollars (\$500.00) or more, the maximum penalty shall be a
24 fine not to exceed One Thousand Dollars (\$1,000.00), or by

1 imprisonment in the county jail for not more than six (6) months, or
2 by both such fine and imprisonment.

3 C. In addition to any other punishment prescribed by law for
4 violations of subsection A of this section, he or she is liable in
5 treble damages for the injury done, to be recovered in a civil
6 action by the owner of such property or public officer having charge
7 thereof.

8 SECTION 3. This act shall become effective November 1, 2007.

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