

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2541

By: Joyner

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 1533.1, as last amended by
9 Section 1, Chapter 167, O.S.L. 2007 (21 O.S. Supp.
10 2007, Section 1533.1), which relates to identity
11 theft; modifying penalties; providing for revocation
12 or acceleration of sentence for willful nonpayment of
13 restitution; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1533.1, as
16 last amended by Section 1, Chapter 167, O.S.L. 2007 (21 O.S. Supp.
17 2007, Section 1533.1), is amended to read as follows:

18 Section 1533.1 A. It is unlawful for any person to willfully
19 and with fraudulent intent obtain the name, address, social security
20 number, date of birth, place of business or employment, debit,
21 credit or account numbers, driver license number, or any other
22 personal identifying information of another person, living or dead,
23 with intent to use, sell, or allow any other person to use or sell
24 such personal identifying information to obtain or attempt to obtain

1 money, credit, goods, property, or service in the name of the other
2 person without the consent of that person.

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

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

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

22 E. Any person convicted of violating any provision of this
23 section shall be guilty of identity theft. Identity theft is a
24 felony offense punishable by imprisonment in the custody of the

1 Department of Corrections for a term of not less than ~~one (1) year~~
2 three (3) years nor more than five (5) years, or a fine not to
3 exceed One Hundred Thousand Dollars (\$100,000.00), or by both such
4 fine and imprisonment. Restitution to the victim may be ordered in
5 addition to any criminal penalty imposed by the court. If
6 restitution to the victim is ordered by the court and the defendant
7 willfully fails to pay said restitution, the court shall revoke any
8 part of a suspended sentence or probation, or accelerate a deferred
9 sentence to a conviction. The victim of identity theft may bring a
10 civil action for damages against any person participating in
11 furthering the crime or attempted crime of identity theft.

12 SECTION 2. This act shall become effective November 1, 2008.

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