

An Act

ENROLLED SENATE
BILL NO. 312

By: Burns of the Senate

and

Dempsey of the House

An Act relating to identity theft; amending 21 O.S. 2011, Section 1533.1, as amended by Section 3, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2020, Section 1533.1), which relates to fraudulently obtaining the personal identity of other persons; modifying penalties; and providing an effective date.

SUBJECT: Modifies certain penalties for identity theft

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1533.1, as amended by Section 3, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2020, 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 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. Any person convicted of violating any provision of this section shall be guilty of identity theft. Any person who violates the provisions of subsection A, B or D of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years, or a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment. Any person who violates the provisions of subsection A, B or D of this section, and the victim is an individual who is less than eighteen (18) years of age, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years, or a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment. Any person who violates the provisions of subsection C of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed one (1) year, 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.

SECTION 2. This act shall become effective November 1, 2021.

Passed the Senate the 8th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____