

1 **SENATE FLOOR VERSION**  
February 18, 2021  
2 **AS AMENDED**

3 SENATE BILL NO. 312

By: Burns of the Senate

4 and

5 Dempsey of the House

6  
7  
8 **[ identity theft - penalties - effective date ]**  
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10  
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1533.1, as  
13 amended by Section 3, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2020,  
14 Section 1533.1), is amended to read as follows:

15 Section 1533.1. A. It is unlawful for any person to willfully  
16 and with fraudulent intent obtain the name, address, Social Security  
17 number, date of birth, place of business or employment, debit,  
18 credit or account numbers, driver license number<sup>7</sup> or any other  
19 personal identifying information of another person, living or dead,  
20 with intent to use, sell<sup>7</sup> or allow any other person to use or sell  
21 such personal identifying information to obtain or attempt to obtain  
22 money, credit, goods, property<sup>7</sup> or service in the name of the other  
23 person without the consent of that person.  
24

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

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

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

20 E. Any person convicted of violating any provision of this  
21 section shall be guilty of identity theft. Any person who violates  
22 the provisions of subsection A, B or D of this section shall, upon  
23 conviction, be guilty of a felony punishable by imprisonment in the  
24 custody of the Department of Corrections for a term of not less than

1 one (1) year nor more than five (5) years, or a fine not to exceed  
2 One Hundred Thousand Dollars (\$100,000.00), or by both such fine and  
3 imprisonment. Any person who violates the provisions of subsection  
4 A, B or D of this section, and the victim is an individual who is  
5 less than eighteen (18) years of age, shall, upon conviction, be  
6 guilty of a felony punishable by imprisonment in the custody of the  
7 Department of Corrections for a term of not less than two (2) years  
8 nor more than ten (10) years, or a fine not to exceed One Hundred  
9 Thousand Dollars (\$100,000.00), or by both such fine and  
10 imprisonment. Any person who violates the provisions of subsection  
11 C of this section shall, upon conviction, be guilty of a misdemeanor  
12 punishable by imprisonment in the county jail for a term not to  
13 exceed one (1) year, or a fine not to exceed One Hundred Thousand  
14 Dollars (\$100,000.00), or by both such fine and imprisonment.  
15 Restitution to the victim may be ordered in addition to any criminal  
16 penalty imposed by the court. The victim of identity theft may  
17 bring a civil action for damages against any person participating in  
18 furthering the crime or attempted crime of identity theft.

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

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
21 February 18, 2021 - DO PASS AS AMENDED  
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