

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 312

By: Burns

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5
6 AS INTRODUCED

7 An Act relating to identity theft; amending 21 O.S.
8 2011, Section 1533.1, as amended by Section 3,
9 Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2020, Section
10 1533.1), which relates to fraudulently obtaining the
11 personal identity of other persons; modifying
12 penalties; and providing an effective date.

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

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

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

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.
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