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April 4, 2024

ENGROSSED HOUSE
BILL NO. 3999

By: Fetgatter of the House

and

Pugh of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 1533.1, which relates to identity theft; authorizing the court to limit or prohibit Internet and computer access; allowing for the installation of computer monitoring software; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, 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.

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 personal
9 identifying information or document to any other person with the
10 intent to allow such other person to use the personal identifying
11 information or document to obtain or attempt to obtain any
12 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 F. In addition to the penalties provided for in subsection E of
20 this section, the court may limit or prohibit the person from
21 accessing the Internet and from possessing or using computers, as
22 defined in Section 1952 of this title, or other electronic
23 communications or data storage devices or media. The court may
24

1 require the installation of computer monitoring software on
2 computers possessed by or used by the person.

3 SECTION 2. This act shall become effective November 1, 2024.

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
5 April 4, 2024 - DO PASS
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