

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 945 Session of  
1999

INTRODUCED BY CHADWICK, ARGALL, BAKER, BARD, BELFANTI,  
BENNINGHOFF, BROWNE, BUXTON, CASORIO, CIVERA, CLARK,  
L. I. COHEN, COLAFELLA, CURRY, DEMPSEY, DERMODY, EGOLF,  
FAIRCHILD, FEESE, GANNON, GORDNER, HARHAI, HENNESSEY, HESS,  
JADLOWIEC, KAISER, KENNEY, LUCYK, MAHER, MANDERINO, MASLAND,  
McCALL, McILHINNEY, McNAUGHTON, MELIO, MICHLOVIC, MUNDY,  
NAILOR, NICKOL, PHILLIPS, RAMOS, ROBINSON, ROONEY, ROSS,  
RUBLEY, SAINATO, SANTONI, SATHER, SAYLOR, SCHRODER, SEMMEL,  
SERAFINI, SEYFERT, B. SMITH, STABACK, STEELMAN, STEIL, STERN,  
STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, TRELLO, TRICH, VANCE,  
WILLIAMS, WOGAN, GRUCELA, FARGO AND WASHINGTON,  
MARCH 22, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 15, 1999

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, defining the offense of identity  
3 theft.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 4120. Identity theft.

9 ~~A person commits an~~ (A) OFFENSE DEFINED.--EXCEPT AS PROVIDED <—  
10 IN SUBSECTION (C), A PERSON COMMITS THE offense of identity  
11 theft of another person, a misdemeanor of the first degree, if  
12 he takes, assumes or uses the identity, name, birth date, Social <—  
13 Security number or identification OR IDENTIFYING INFORMATION of <—

another person without the consent of that other person and with  
the intent to:

(1) cause financial loss to the other person;

(2) obtain goods or services; or

(3) otherwise assume or use the other person's identity  
for any unlawful purpose.

(B) SEPARATE OFFENSES.--EACH TIME AN OFFENDER TAKES, ASSUMES  
OR USES THE IDENTITY OR IDENTIFYING INFORMATION OF ANOTHER  
PERSON WITHOUT THE CONSENT OF THAT OTHER PERSON CONSTITUTES A  
SEPARATE OFFENSE UNDER THIS SECTION.

(C) GRADING.--WHEN A PERSON COMMITS AN OFFENSE UNDER  
SUBSECTION (A) AND THE VICTIM OF THE OFFENSE IS 60 YEARS OF AGE  
OR OLDER, THE OFFENSE SHALL BE GRADED AS A FELONY OF THE THIRD  
DEGREE.

(D) RESTITUTION.--THE COURT MAY, IN ADDITION TO ANY OTHER  
RESTITUTION SENTENCE OR ORDER AUTHORIZED BY LAW, SENTENCE A  
PERSON CONVICTED OF VIOLATING THIS SECTION TO MAKE RESTITUTION  
FOR ALL REASONABLE EXPENSES INCURRED BY THE VICTIM OR ON THE  
VICTIM'S BEHALF TO INVESTIGATE THEFT OF THE VICTIM'S IDENTITY,  
BRING OR DEFEND CIVIL OR CRIMINAL ACTIONS RELATED TO THEFT OF  
THE VICTIM'S IDENTITY OR TO TAKE OTHER EFFORTS TO CLEAR THE  
VICTIM'S CREDIT RECORD OF NEGATIVE CREDIT REPORTS RELATED TO  
THEFT OF THE VICTIM'S IDENTITY. SUCH EXPENSES MAY INCLUDE, BUT  
ARE NOT LIMITED TO, ATTORNEY FEES, FEES AND COSTS IMPOSED BY  
CREDIT BUREAUS OR ASSOCIATED WITH EFFORTS TO CLEAR THE VICTIM'S  
CREDIT RECORD, FEES AND COSTS ASSOCIATED WITH PRIVATE  
INVESTIGATIONS, AND COURT COSTS AND FILING FEES.

(E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
SUBSECTION:

1     "EXPENSES." ALL SUMS CHARGED OR BILLED TO THE VICTIM OR ANY  
2     PERSON ACTING ON THE VICTIM'S BEHALF OR AS THE VICTIM'S  
3     REPRESENTATIVE, WHETHER OR NOT ANY SUCH CHARGE OR BILL HAS BEEN  
4     PAID.

5     "IDENTITY" OR "IDENTIFYING INFORMATION." ANY INFORMATION OR  
6     FACTS USED TO ESTABLISH IDENTITY, WHETHER OR NOT THE INFORMATION  
7     OR FACTS ARE IN WRITING. WRITINGS INCLUDE, BUT ARE NOT LIMITED  
8     TO, PIECES OF PAPER, NOTEBOOKS, APPLICATIONS, RECEIPTS, BIRTH  
9     CERTIFICATES, SOCIAL SECURITY CARDS, DRIVER'S LICENSES,  
10    NONDRIVER STATE-ISSUED IDENTIFICATION CARDS, BAPTISMAL  
11    CERTIFICATES, EMPLOYEE IDENTIFICATION CARDS OR SCHOOL  
12    IDENTIFICATION CARDS AND IDENTIFYING INFORMATION RECORDED BY  
13    OTHER METHODS, INCLUDING, BUT NOT LIMITED TO, INFORMATION STORED  
14    ON ANY COMPUTER, COMPUTER DISC, COMPUTER PRINTOUT, COMPUTER  
15    SYSTEM, OR PART THEREOF, OR BY ANY OTHER MECHANICAL OR  
16    ELECTRONIC MEANS.

17     Section 2. This act shall take effect immediately.