

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 849 Session of 1999

INTRODUCED BY GREENLEAF, O'PAKE, HART, BOSCOLA, COSTA, HOLL, ROBBINS, SALVATORE, SCHWARTZ AND SLOCUM, APRIL 27, 1999

AS AMENDED ON THIRD CONSIDERATION, JUNE 14, 1999

AN ACT

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

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 § 4104.1. Theft of identity.

9 (a) Offense defined.--A person commits an offense if he
10 knowingly and with intent to defraud, obtains, possesses,
11 records, transfers, uses or attempts to obtain, record, transfer
12 or use the personal identifying information of another person
13 without the consent of that other person.

14 (b) Grading. A first offense under this section is a
15 misdemeanor of the first degree and a second and subsequent
16 offense under this section is a felony of the third degree.

17 (B) GRADING.--A FIRST OFFENSE UNDER THIS SECTION IS A FELONY
18 OF THE THIRD DEGREE AND A SECOND AND SUBSEQUENT OFFENSE UNDER

1 THIS SECTION IS A FELONY OF THE SECOND DEGREE.

2 (1) IN ADDITION ANY PENALTY IMPOSED HEREIN, A PERSON WHO
3 VIOLATES THIS SECTION SHALL BE ORDERED BY THE COURT TO PAY
4 RESTITUTION TO THE VICTIM PURSUANT TO SECTION 1106 (RELATING
5 TO RESTITUTION FOR INJURIES TO PERSON OR PROPERTY).

6 (2) IN PROSECUTIONS UNDER SUBSECTION (A), IF THE
7 OFFENDER POSSESSES IDENTIFYING INFORMATION OF MORE THAN ONE
8 PERSON, THE IDENTIFYING INFORMATION RELATING TO EACH PERSON
9 SHALL BE CONSIDERED A SEPARATE OFFENSE.

10 (3) WHERE A PERSON COMMITS AN OFFENSE UNDER SUBSECTION
11 (A) AND THE VICTIM OF THE OFFENSE IS 60 YEARS OF AGE OR
12 OLDER, THE GRADING OF THE OFFENSE SHALL BE ONE GRADE HIGHER
13 THAN SPECIFIED HEREIN.

14 (C) CONCURRENT JURISDICTION TO PROSECUTE.--IN ADDITION TO
15 THE AUTHORITY CONFERRED UPON THE ATTORNEY GENERAL BY THE ACT OF
16 OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH
17 ATTORNEYS ACT, THE ATTORNEY GENERAL SHALL HAVE THE AUTHORITY TO
18 INVESTIGATE AND TO INSTITUTE CRIMINAL PROCEEDINGS FOR ANY
19 VIOLATION OF THIS SECTION OR ANY SERIES OF SUCH VIOLATIONS
20 INVOLVING MORE THAN ONE COUNTY OF THIS COMMONWEALTH AND/OR
21 ANOTHER STATE. NO PERSON CHARGED WITH A VIOLATION OF THIS
22 SECTION BY THE ATTORNEY GENERAL SHALL HAVE STANDING TO CHALLENGE
23 THE AUTHORITY OF THE ATTORNEY GENERAL TO INVESTIGATE OR
24 PROSECUTE THE CASE, AND, IF ANY SUCH CHALLENGE IS MADE, THE
25 CHALLENGE SHALL BE DISMISSED AND NO RELIEF SHALL BE MADE
26 AVAILABLE IN THE COURTS OF THIS COMMONWEALTH TO THE PERSON
27 MAKING THE CHALLENGE.

28 ~~(e)~~ (D) Definition.--As used in this section, the term <—
29 "personal identifying information" includes, but is not limited
30 to:

- 1 (1) Name.
- 2 (2) Birth date.
- 3 (3) Address.
- 4 (4) Telephone number.
- 5 (5) Social Security number.
- 6 (6) Driver's license number.
- 7 (7) Checking account number.
- 8 (8) Savings account number.
- 9 (9) Mother's maiden name.
- 10 (10) Debit card number.
- 11 (11) Personal identification number.
- 12 (12) Electronic identification number.
- 13 (13) Any other number or information that can be used to
14 access a person's financial resources.

15 Section 2. This act shall take effect in 60 days.