

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 REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 21, 2000

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for ~~the offense of theft of~~ <—
3 ~~identity~~. RESTITUTION FOR IDENTITY 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 ~~§ 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 felony~~
15 ~~of the third degree and a second and subsequent offense under~~
16 ~~this section is a felony of the second degree.~~

17 ~~(1) In addition any penalty imposed herein, a person who~~

1 ~~violates this section shall be ordered by the court to pay~~
2 ~~restitution to the victim pursuant to section 1106 (relating~~
3 ~~to restitution for injuries to person or property).~~

4 ~~(2) In prosecutions under subsection (a), if the~~
5 ~~offender possesses identifying information of more than one~~
6 ~~person, the identifying information relating to each person~~
7 ~~shall be considered a separate offense.~~

8 ~~(3) Where a person commits an offense under subsection~~
9 ~~(a) and the victim of the offense is 60 years of age or~~
10 ~~older, the grading of the offense shall be one grade higher~~
11 ~~than specified herein.~~

12 ~~(c) Concurrent jurisdiction to prosecute. In addition to~~
13 ~~the authority conferred upon the Attorney General by the act of~~
14 ~~October 15, 1980 (P.L.950, No.164), known as the Commonwealth~~
15 ~~Attorneys Act, the Attorney General shall have the authority to~~
16 ~~investigate and to institute criminal proceedings for any~~
17 ~~violation of this section or any series of such violations~~
18 ~~involving more than one county of this Commonwealth and/or~~
19 ~~another state. No person charged with a violation of this~~
20 ~~section by the Attorney General shall have standing to challenge~~
21 ~~the authority of the Attorney General to investigate or~~
22 ~~prosecute the case, and, if any such challenge is made, the~~
23 ~~challenge shall be dismissed and no relief shall be made~~
24 ~~available in the courts of this Commonwealth to the person~~
25 ~~making the challenge.~~

26 ~~(d) Definition. As used in this section, the term "personal~~
27 ~~identifying information" includes, but is not limited to:~~

28 ~~(1) Name.~~

29 ~~(2) Birth date.~~

30 ~~(3) Address.~~

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

12 Section 2. ~~This act shall take effect in 60 days.~~

13 § 4120. RESTITUTION FOR IDENTITY THEFT.

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14 (A) GENERAL RULE.--THE COURT MAY, IN ADDITION TO ANY OTHER
15 RESTITUTION SENTENCE OR ORDER AUTHORIZED BY LAW, SENTENCE A
16 PERSON CONVICTED OF THE OFFENSE OF IDENTITY THEFT OF ANOTHER
17 PERSON TO MAKE RESTITUTION FOR ALL REASONABLE EXPENSES INCURRED
18 BY THE VICTIM OR ON THE VICTIM'S BEHALF:

19 (1) TO INVESTIGATE THEFT OF THE VICTIM'S IDENTITY;

20 (2) TO BRING OR DEFEND CIVIL OR CRIMINAL ACTIONS RELATED
21 TO THEFT OF THE VICTIM'S IDENTITY; OR

22 (3) TO TAKE OTHER EFFORTS TO CORRECT THE VICTIM'S CREDIT
23 RECORD OR NEGATIVE CREDIT REPORTS RELATED TO THEFT OF THE
24 VICTIM'S IDENTITY.

25 (B) TYPES OF EXPENSES.--THE TYPES OF EXPENSES THAT MAY BE
26 RECOVERABLE UNDER THIS SECTION INCLUDE, BUT ARE NOT LIMITED TO:

27 (1) ATTORNEY FEES;

28 (2) FEES AND COSTS IMPOSED BY CREDIT BUREAUS, ASSOCIATED
29 WITH EFFORTS TO CORRECT THE VICTIM'S CREDIT RECORD OR
30 INCURRED IN PRIVATE INVESTIGATIONS; AND

1 (3) COURT COSTS AND FILING FEES;
2 REGARDLESS OF WHETHER THE EXPENSES ARE CHARGED OR BILLED TO THE
3 VICTIM OR ANY PERSON ACTING ON THE VICTIM'S BEHALF OR AS THE
4 VICTIM'S REPRESENTATIVE AND REGARDLESS OF WHETHER ANY SUCH
5 EXPENSE HAS BEEN PAID.

6 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.