

HB 658 -- Identity Theft

Co-Sponsors: Brown, Schneider, Ervin, Reinhart, Morris, Baker, Pearce, Portwood, Schaaf, Munzlinger, Goodman

This bill makes several changes to the crime of identity theft. The bill:

(1) Makes it a class A misdemeanor when the identity theft results in the theft or appropriation of credit, money, goods, services, or other property valued at less than \$500. Current law sets forth a penalty of six months in jail for a first offense and does not refer to the value of the stolen property;

(2) Makes it a class D felony when the value of the stolen property is more than \$500 but less than \$1,000;

(3) Makes it a class C felony when the value of the stolen property is more than \$1,000 and less than \$10,000;

(4) Makes it a class B felony when the value of the stolen property is more than \$10,000 and less than \$100,000;

(5) Makes it a class A felony when the value of the stolen property is more than \$100,000;

(6) Makes the identity thief liable to the victim for civil damages of up to \$5,000 per incident or three times the amount of actual damages, whichever is greater;

(7) Allows the victim to seek a court order restraining the identity thief from future acts that would constitute identity theft. In these actions, the court may award reasonable attorney fees to the prevailing party;

(8) Clarifies that the estate of a deceased person may pursue civil remedies when the estate is a victim of identity theft;

(9) Sets forth venue requirements for civil suits regarding identity theft, sets a limitation on civil suits at three years, and clarifies that a criminal conviction is not a prerequisite for a civil claim;

(10) Clarifies that identity theft does not include a minor's misrepresentation of age by using an adult person's identification;

(11) Makes a second offense a class D felony when the value of the property is less than \$500; and

(12) Creates the crime of trafficking in stolen identities, a class B felony, which is evidenced by possession of five or more identification documents.