

# HOUSE BILL ANALYSIS

## HB 1597

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**Title:** An act relating to identity theft.

**Brief Description:** Penalizing identity theft.

**Sponsors:** Representatives Cairnes, O'Brien, Ballasiotes, Cooper, D. Schmidt, Ruderman, Hatfield, Wensman, Thomas, Keiser, Sullivan, DeBolt, Talcott, Barlean, Bush, Benson, Santos, Quall, Campbell and Lambert.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Jean Ann Quinn (786-7310).

**Background:**

A person commits the crime of criminal impersonation in the first degree in one of two ways: (1) by assuming a false identity, and doing some act using that false identity with the intent to defraud another person or for some other unlawful purpose; or (2) by pretending to be a representative of some person or organization or a public servant and doing some act in this pretend capacity with the intent to defraud another person. Criminal impersonation in the first degree is a gross misdemeanor.

A person commits the crime of criminal impersonation in the second degree by claiming to be, or a creating an impression that he or she is, a law enforcement officer, and doing some act with the intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer. Criminal impersonation in the second degree is a misdemeanor.

**Summary:**

The name of the crime is changed to identity theft.– The elements of the crime for first and second degree remain the same. However, the classifications are changed as follows:

- (1) Identity theft in the first degree is a class B felony, ranked seriousness level IV.
- (2) Identity theft in the second degree is a class C felony, ranked seriousness level III.

Identity theft in the third degree is created as a gross misdemeanor. A person commits identity theft in the third degree by knowingly obtaining or possessing, without lawful authority, the identification card of another or a false identification card with the intent to commit, or to aid or abet, any unlawful activity. A person who possesses two or more identification cards of another person or two or more false identification cards is presumed to have acted with the intent to commit unlawful activity.

The term identification card is defined to mean a driver's license, instruction permit or identification card issued by any state or province of Canada, an identicard— issued by the Department of Licensing, a passport, a United States Armed Forces or Merchant Marine identification card, a liquor control authority identification card of any state or province of Canada, or a social security card.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.