
SUBSTITUTE SENATE BILL 5412

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kline, Winsley, Haugen, Prentice, Reardon, Rasmussen, Eide and McCaslin)

READ FIRST TIME 03/03/03.

1 AN ACT Relating to identity theft penalties and prevention;
2 amending RCW 9.35.020; adding a new section to chapter 46.20 RCW;
3 creating a new section; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that identity theft
6 and the other types of fraud is a significant problem in the state of
7 Washington, costing our citizens and businesses millions each year.
8 The most common method of accomplishing identity theft and other
9 fraudulent activity is by securing a fraudulently issued driver's
10 license. It is the purpose of this act to significantly reduce
11 identity theft and other fraud by preventing the fraudulent issuance of
12 driver's licenses and identicards.

13 **Sec. 2.** RCW 9.35.020 and 2001 c 217 s 9 are each amended to read
14 as follows:

15 (1) No person may knowingly obtain, possess, use, or transfer a
16 means of identification or financial information of another person,
17 living or dead, with the intent to commit, or to aid or abet, any
18 crime.

1 (2)(a) Violation of this section when the accused or an accomplice
2 uses the victim's means of identification or financial information and
3 obtains an aggregate total of credit, money, goods, services, or
4 anything else of value in excess of one thousand five hundred dollars
5 in value shall constitute identity theft in the first degree. Identity
6 theft in the first degree is a class B felony.

7 (b) Violation of this section when the accused or an accomplice
8 uses the victim's means of identification or financial information and
9 obtains an aggregate total of credit, money, goods, services, or
10 anything else of value that is less than one thousand five hundred
11 dollars in value, or when no credit, money, goods, services, or
12 anything of value is obtained shall constitute identity theft in the
13 second degree. Identity theft in the second degree is a class C
14 felony.

15 (3) A person who violates this section is liable for civil damages
16 of (~~(five hundred)~~) one thousand dollars or actual damages, whichever
17 is greater, including costs to repair the victim's credit record, and
18 reasonable attorneys' fees as determined by the court.

19 (4) In a proceeding under this section, the crime will be
20 considered to have been committed in any locality where the person
21 whose means of identification or financial information was appropriated
22 resides, or in which any part of the offense took place, regardless of
23 whether the defendant was ever actually in that locality.

24 (5) The provisions of this section do not apply to any person who
25 obtains another person's driver's license or other form of
26 identification for the sole purpose of misrepresenting his or her age.

27 (6) In a proceeding under this section in which a person's means of
28 identification or financial information was used without that person's
29 authorization, and when there has been a conviction, the sentencing
30 court may issue such orders as are necessary to correct a public record
31 that contains false information resulting from a violation of this
32 section.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW
34 to read as follows:

35 (1) Upon the adoption of biometric driver's license standards by
36 the American association of motor vehicle administrators and when
37 funded, the department shall implement a one-to-many and one-to-one

1 biometric matching system for the purpose of preventing multiple
2 licenses or cards from being issued to one person, and to help prevent
3 identity theft.

4 (2) The biometric matching system selected by the department shall
5 be capable of highly accurate one-to-many and one-to-one matching, and
6 shall be compliant with biometric standards established by the American
7 association of motor vehicle administrators.

8 (3) Upon the establishment of a biometric driver's license and
9 identicard system as described in this section, the department shall
10 require a biometric identifier from every person applying for an
11 original, renewal, or duplicate driver's license or identicard.

12 (4) The department may not disclose biometric information to the
13 public or any governmental entity except when authorized by court
14 order.

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