

1 HB482
2 115393-1
3 By Representatives Rogers, Moore (M), Payne, Robinson (O),
4 Scott, DeMarco, Collier, Coleman, McAdory, Hilliard,
5 Treadaway, Canfield, Drake, Moore (P), Thomas (J), England,
6 Baker (A), Buskey, Guin, Kennedy, Newton (D) and Lindsey
7 RFD: Judiciary
8 First Read: 02-FEB-10

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8 SYNOPSIS: Under existing law, the crime of identity
9 theft is a Class C felony.

10 This bill would make the crime of identity
11 theft a Class B felony.

12 Under existing law, prosecution must be
13 commenced within seven years after the commission
14 of the crime of identity theft.

15 This bill would provide that a prosecution
16 may be commenced at any time after the commission
17 of the offense.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in the amendment.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
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16 To amend Section 13A-8-192 of the Code of Alabama
17 1975, relating to the crime of identity theft; to increase the
18 penalty; to remove the statute of limitations; and in
19 connection therewith would have as its purpose or effect the
20 requirement of a new or increased expenditure of local funds
21 within the meaning of Amendment 621 of the Constitution of
22 Alabama of 1901, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of Alabama of 1901,
24 as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 13A-8-192 of the Code of Alabama
27 1975, is amended to read as follows:

1 "§13A-8-192.

2 "(a) A person commits the crime of identity theft
3 if, without the authorization, consent, or permission of the
4 victim, and with the intent to defraud for his or her own
5 benefit or the benefit of a third person, he or she does any
6 of the following:

7 "(1) Obtains, records, or accesses identifying
8 information that would assist in accessing financial
9 resources, obtaining identification documents, or obtaining
10 benefits of the victim.

11 "(2) Obtains goods or services through the use of
12 identifying information of the victim.

13 "(3) Obtains identification documents in the
14 victim's name.

15 "(b) Identity theft is a Class C B felony.

16 "(c) This section shall not apply when a person
17 obtains the identity of another person to misrepresent his or
18 her age for the sole purpose of obtaining alcoholic beverages,
19 tobacco, or another privilege denied to minors.

20 "(d) Any prosecution brought pursuant to this
21 article ~~shall~~ may be commenced ~~within seven years~~ at any time
22 after the commission of the offense."

23 Section 2. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.