1	HOUSE OF REPRESENTATIVES - FLOOR VERSION
2	STATE OF OKLAHOMA
3	1st Session of the 58th Legislature (2021)
4	ENGROSSED SENATE
5	BILL NO. 312 By: Burns of the Senate
6	and
7	Dempsey of the House
8	
9	[identity theft - modifying penalties - effective
10	date]
11	
12	
13	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
14	SECTION 1. AMENDATORY 21 O.S. 2011, Section 1533.1, as
15	amended by Section 3, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2020,
16	Section 1533.1), is amended to read as follows:
17	Section 1533.1. A. It is unlawful for any person to willfully
18	and with fraudulent intent obtain the name, address, Social Security
19	number, date of birth, place of business or employment, debit,
20	credit or account numbers, driver license number $_{m au}$ or any other
21	personal identifying information of another person, living or dead,
22	with intent to use, sell, or allow any other person to use or sell
23	such personal identifying information to obtain or attempt to obtain

1 money, credit, goods, property, or service in the name of the other
2 person without the consent of that person.

B. It is unlawful for any person to use with fraudulent intent
the personal identity of another person, living or dead, or any
information relating to the personal identity of another person,
living or dead, to obtain or attempt to obtain credit or anything of
value.

8 C. It is unlawful for any person with fraudulent intent to 9 lend, sell, or otherwise offer the use of such person's own name, 10 address, Social Security number, date of birth₇ or any other 11 personal identifying information or document to any other person 12 with the intent to allow such other person to use the personal 13 identifying information or document to obtain or attempt to obtain 14 any identifying document in the name of such other person.

D. It is unlawful for any person to willfully create, modify, alter or change any personal identifying information of another person with fraudulent intent to obtain any money, credit, goods, property, service or any benefit or thing of value, or to control, use, waste, hinder or encumber another person's credit, accounts, goods, property, title, interests, benefits or entitlements without the consent of that person.

E. Any person convicted of violating any provision of this section shall be guilty of identity theft. Any person who violates the provisions of subsection A, B or D of this section shall, upon

1 conviction, be quilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than 2 3 one (1) year nor more than five (5) years, or a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by both such fine and 4 5 imprisonment. Any person who violates the provisions of subsection A, B or D of this section, and the victim is an individual who is 6 7 less than eighteen (18) years of age, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the 8 9 Department of Corrections for a term of not less than two (2) years 10 nor more than ten (10) years, or a fine not to exceed One Hundred 11 Thousand Dollars (\$100,000.00), or by both such fine and 12 imprisonment. Any person who violates the provisions of subsection C of this section shall, upon conviction, be guilty of a misdemeanor 13 punishable by imprisonment in the county jail for a term not to 14 15 exceed one (1) year, or a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment. 16 Restitution to the victim may be ordered in addition to any criminal 17 penalty imposed by the court. The victim of identity theft may 18 bring a civil action for damages against any person participating in 19 furthering the crime or attempted crime of identity theft. 20 SECTION 2. This act shall become effective November 1, 2021. 21 22 23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated 04/08/2021 - DO PASS, As Amended.

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