

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

453T0035

HOUSE BILL NO. 1139

Introduced by: Representatives Nelson (Stace), Deelstra, Greenfield, Hansen (Jon), Hubbel, Kloucek, Kopp, Miller, Russell, Sly, Steele, Tornow, Venner, Verchio, and Wick and Senators Rampelberg, Begalka, Lederman, and Novstrup (Al)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to identity theft and
2 employment.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-40-8 be amended to read as follows:

5 22-40-8. ~~If any person~~ A person commits identity theft if the person, without the
6 authorization or permission of another person and with the intent to deceive or defraud, does
7 any of the following:

8 (1) Obtains, possesses, transfers, uses, attempts to obtain, or records identifying
9 information pertaining to the other person that are not lawfully issued for that the first
10 person's use; ~~or~~

11 (2) Accesses or attempts to access the financial resources of ~~that the other~~ person through
12 the use of the other person's identifying information;

13 ~~such person commits the crime of identity theft.~~

14 Identity theft committed ~~pursuant to~~ as provided in this section is a Class 6 felony.



1 Section 2. That chapter 22-40 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 A person commits identity theft if the person:

4 (1) Attempts to use another person's identifying information, as defined in § 22-40-9,
5 with the intent to obtain or continue employment;

6 (2) In hiring an employee, accepts any personal identifying information of another person
7 from an individual, knowing that the individual is not the actual person identified by
8 that information, and uses that identity information for the purpose of determining
9 whether the individual who presented the identity information has the legal right or
10 authorization under federal law to work in the United States as provided in 8 United
11 States Code section 1324a, as amended to January 1, 2012.

12 Identity theft as provided in this section is a Class 6 felony.