

House Research Act Summary

CHAPTER: 106

SESSION: 2003 Regular Session

TOPIC: Identity Theft and Mail Theft

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Analyst: Jeffrey P. Diebel

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Overview

Permits victims of identity thefts to report the crime in the jurisdiction where they live, not just where the crime occurred. Allows law enforcement to refer reports of identity theft to the appropriate agency without having to record the report as a crime in their jurisdiction. Creates the crime of mail fraud and prescribes penalties. Authorizes prosecutors to file charges for identity theft and mail theft in the jurisdiction where the victim resides. Permits aggregation of the value of ill-begotten money and property in cases of identity theft.

- 1 Reporting.** Permits victims of identity theft to report the crime to the law enforcement agency where they live, regardless of where the crime occurred. This will address the problem of law enforcement agencies refusing to accept reports of identity theft from their city's residents when the offense occurred elsewhere. The law enforcement agency must provide a copy of the report to the victim and, if the crime occurred elsewhere, the agency may refer the case to the appropriate agency.

If the crime did not occur in the jurisdiction of the agency accepting the report, it need not report the crime to the commissioner of public safety for statistical purposes. The purpose of this provision is to avoid cities suffering from inflated property crime statistics and the resultant increase in property tax premiums for residents.

- 2 Venue.** Authorizes prosecutors to file charges for identity theft in either the county where the offense occurred or the county of residence or place of business of the victim. The purpose of this provision is to give prosecutors more flexibility in prosecuting identity theft.
- 3 Aggregation.** Permits prosecutors to aggregate the value of money and property illicitly obtained through identity theft to increase the level of the offense. Permits prosecutors to file charges in any county in which one of the aggravated offenses occurred.

Section

4 **Mail theft.** Creates the crime of mail theft and codes it as section 609.529.

Subd. 1. Definitions. Defines mail and mail depository.

Subd. 2. Crime. Details the acts that constitute mail theft.

Subd. 3. Penalties. Imposes a three-year felony or a fine of up to \$3,000, or both, for mail theft.

Subd. 4. Venue. Authorizes prosecutors to file charges for mail theft in either the county where the offense occurred or the county of residence or place of business of the victim. The purpose of this provision is to give prosecutors more flexibility in prosecuting mail theft.