

HOUSE RESEARCH

Bill Summary

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Overview

This bill provides criminal penalties for any person who transfers, possesses, or uses the identity of another with the intent to commit any felony-level activity or to commit any nonfelony theft-related or fraud-related unlawful activity. The penalties for the conduct vary depending on the number of victims involved and the amount of the loss incurred. The bill also authorizes forfeiture of property used to commit or representing proceeds of felony violations of this identity theft crime and authorizes prosecution of serious identity theft violations under the racketeering law.

1 Identity theft.

Subd. 1. Definitions. Defines terms used in the bill.

"Direct victim" means a person or entity who suffers loss or harm due to the crime whose identity has been transferred, used, or possessed in violation of this section.

"Identity" means any name, number, or data transmission that may be used to identify a specific individual.

"Indirect victim" means any person who suffers loss or harm due to the crime who is not a direct victim.

"Loss" means value obtained and expenses incurred by a direct or indirect victim due to a violation of this section.

"Unlawful activity" means any felony violation of the laws of this state or another jurisdiction, and any non-felony violation of the laws of this state or another jurisdiction involving theft, theft by swindle, forgery, fraud, or giving false information to a public official.

Subd. 2. Crime. Makes it a crime to transfer, possess, or use an identity not one's own, with intent to commit, aid, or abet any unlawful activity.

Subd. 3. Penalties. Provides the following penalties for the crime of identity theft:

Misdemeanor: fewer than four direct victims AND combined total loss to all direct and indirect victims is \$200 or less;

Gross misdemeanor: fewer than four direct victims AND combined total loss to all direct and indirect victims is more than \$200 but not more than \$500;

Five-year felony: fewer than four direct victims AND combined total loss to all direct and indirect and indirect victims is more than \$500 but not more than \$2,500;

Ten-year felony: four or more direct victims OR combined total loss to all direct and indirect and indirect victims is more than \$2,500; and

20-year felony: four or more direct victims AND combined total loss to all direct and indirect and indirect victims is more than \$35,000.

Subd. 4. Restitution. Provides that both direct and indirect victims of the identity theft crime are considered victims for all purposes, including rights to court-ordered restitution.

- 2 **Forfeiture law; definitions.** Amends the definition of "designated offense" in the forfeiture law to include felony-level violations of the identity theft crime. This subjects to forfeiture all personal property used or intended for use to commit or facilitate commission of the identity theft crime, as well as all money and other property, real and personal, that represent proceeds of the crime.
- 3 **Racketeering law; definition.** Amends the definition of "criminal act" in the racketeering law to include the two highest felony-level violations of the identity theft crime.
- 4 **Effective date.** August 1, 1999, for crimes committed on or after that date.