

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 243

DATE: March 9, 2005

Version: As introduced

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Subject: Identity Theft - Electronic Use of False Pretense

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Overview

This bill prohibits one from using a false pretense in an e-mail to obtain the identity of another. It creates a new crime with a felony penalty and expands venue for prosecution. This bill seeks to penalize those involved in "phishing" scams. In a typical "phishing" scam, a consumer will be asked to update or validate confidential information on a false web site that appears to be legitimate, such as a website for a bank, mortgage company, or credit card.

Section

- 1** **Definitions.** Defines the term "false pretense" as "any false, fictitious, misleading, or fraudulent information or pretense or pretext depicting or including the name, logo, Web site address, e-mail address, postal address, telephone number, or any other identifying information of a business or organization or of a governmental agency, to which the user has no legitimate claim of right." Expands the term "identity" to include the identity of an "entity."
- 2** **Crime of Electronic Use of False Pretense to Obtain Identity.** Creates a new crime that prohibits a person, with intent to obtain another's identity, from using false pretense in an e-mail, Web page, or any other Internet communication. This offense is punishable by five years imprisonment and/or a \$10,000 fine. In prosecution under this section, it is not a defense that the person did not obtain or use another's identity, nor is it a defense that the crime did not result in a loss to any person.
- 3** **Venue .** Expands venue in cases under section 2 to the county or place of residence of the person whose identity was obtained or sought. Currently, venue is limited to the county where the offense occurred or in the county of residence or place of business of the direct or indirect victim.

[Sections 1 to 3 are effective on August 1, 2005, for crimes committed on or after that date.]

