

HOUSE BILL No. 2586

By Representatives Kuether, Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Kirk, Klein, Lane, Larkin, Loganbill, M. Long, McKinney, J. Miller, Minor, Phelps, Reardon, Rehorn, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Storm, Svaty, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson and Winn

1-23

AN ACT concerning crimes and punishment; relating to identity theft; amending K.S.A. 2003 Supp. 21-4018 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2003 Supp. 21-4018 is hereby amended to read as follows: 21-4018. (a) Identity theft is knowingly and with intent to defraud for economic benefit, obtaining, possessing, transferring, using or attempting to obtain, possess, transfer or use, one or more identification documents or personal identification number of another person other than that issued lawfully for the use of the possessor.

(b) "Identification documents" means the definition as provided in K.S.A. 21-3830, and amendments thereto.

(c) Identity theft *where the economic benefit is less than \$25,000* is a severity level 7, person felony *and, in addition to the sentence authorized by law, a person shall be fined not less than \$1,000. Identity theft where the economic benefit is at least \$25,000 but less than \$100,000 is a severity level 5, person felony and, in addition to the sentence authorized by law, a person shall be fined not less than \$5,000. Identity theft where the economic benefit is \$100,000 or more is a severity level 4, person felony and, in addition to the sentence authorized by law, a person shall be fined not less than \$10,000.*

(d) *The conduct prohibited in subsection (a) does not apply to:*

(1) *A person less than 21 years of age who uses the identification documents of another person to acquire an alcoholic beverage, as defined in K.S.A. 8-1599, and amendments thereto;*

(2) *a person less than 18 years of age who uses the identification documents of another person to acquire:*

(A) *Cigarettes or tobacco products as defined in K.S.A. 79-3301, and amendments thereto;*

1 (B) a periodical, a videotape, or other communication medium that
2 contains or depicts nudity;

3 (C) admittance to a performance, live or film, that prohibits the at-
4 tendance of the person based on age; or

5 (D) an item that is prohibited by law for use or consumption by such
6 person.

7 (e) In a prosecution brought pursuant to this section, the identify theft
8 shall be considered to have been committed in the county where the person
9 whose identification document was appropriated resided at the time of
10 the offense, or in which any part of the offense took place, regardless of
11 whether the defendant was ever actually present in the county.

12 ~~(d)~~(f) This section shall be part of and supplemental to the Kansas
13 criminal code.

14 Sec. 2. K.S.A. 2003 Supp. 21-4018 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.

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