

## SENATE BILL No. 232

By Senator Petersen

2-9

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9 AN ACT concerning crimes, punishment and criminal procedure; relat-  
10 ing to identity theft, identity fraud and vital record fraud; amending  
11 K.S.A. 21-3830 and 65-2434 and K.S.A. 2004 Supp. 21-4018 and re-  
12 pealing the existing sections.  
13

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

15 Section 1. K.S.A. 21-3830 is hereby amended to read as follows: 21-  
16 3830. (a) Dealing in false identification documents is reproducing, man-  
17 ufacturing, selling or offering for sale any identification document which:

18 (1) Simulates, purports to be or is designed so as to cause others  
19 reasonably to believe it to be an identification document; and

20 (2) bears a fictitious name or other false information.

21 (b) As used in this section, "identification document" means any card,  
22 certificate or document *or banking document including, but not limited*  
23 *to, credit card statement*, which identifies or purports to identify the  
24 bearer of such document, whether or not intended for use as identifica-  
25 tion, and includes, but is not limited to, documents purporting to be  
26 drivers' licenses, nondrivers' identification cards, *certified copies of birth,*  
27 *death, marriage and divorce* certificates, social security cards and em-  
28 ployee identification cards.

29 (c) Dealing in false identification documents is a severity level ~~10~~ 9,  
30 nonperson felony.

31 (d) *Vital records identity fraud related to birth, death, marriage and*  
32 *divorce certificates is:*

33 (1) *Willfully and knowingly supplying false information intending*  
34 *that the information be used to obtain a certified copy of a vital record;*

35 (2) *making, counterfeiting, altering, amending or mutilating any cer-*  
36 *tified copy of a vital record:*

37 (A) *Without lawful authority; and*

38 (B) *with the intent to deceive; or*

39 (3) *willfully and knowingly obtaining, possessing, using, selling or*  
40 *furnishing or attempting to obtain, possess or furnish to another for any*  
41 *purpose of deception a certified copy of a vital record.*

42 (e) *Vital records identity fraud is a severity level 9, nonperson felony.*

43 (f) *The prohibitions in subsection (a) and (b) do not apply to:*

- 1 (1) A person less than 21 years of age who uses the identification  
2 document of another person to acquire an alcoholic beverage, as defined  
3 in K.S.A. 9-1599, and amendments thereto;
- 4 (2) a person less than 18 years of age who uses the identification  
5 documents of another person to acquire:
- 6 (A) Cigarettes or tobacco products, as defined in K.S.A. 79-3301, and  
7 amendments thereto;
- 8 (B) a periodical, a videotape or other communication medium that  
9 contains or depicts nudity;
- 10 (C) admittance to a performance, live or film, that prohibits the at-  
11 tendance of the person based on age; or
- 12 (D) an item that is prohibited by law for use or consumption by such  
13 person.
- 14 (g) This section shall be part of and supplemental to the Kansas crim-  
15 inal code.
- 16 Sec. 2. K.S.A. 2004 Supp. 21-4018 is hereby amended to read as  
17 follows: 21-4018. (a) Identity theft is knowingly and with intent to defraud  
18 for ~~economic~~ any benefit, obtaining, possessing, transferring, using or  
19 attempting to obtain, possess, transfer or use, one or more identification  
20 documents or personal identification number of another person other  
21 than that issued lawfully for the use of the possessor.
- 22 (b) "Identification documents" ~~means the definition as~~ has the mean-  
23 ing provided in K.S.A. 21-3830, and amendments thereto.
- 24 (c) Identity theft is a severity level 7, ~~person~~ 9, nonperson felony.
- 25 (d) Identity fraud is:
- 26 (1) Willfully and knowingly supplying false information intending  
27 that the information be used to obtain an identification document;
- 28 (2) making, counterfeiting, altering, amending or mutilating any  
29 identification document:
- 30 (A) Without lawful authority; and
- 31 (B) with the intent to deceive; or
- 32 (3) willfully and knowingly obtaining, possessing, using, selling or  
33 furnishing or attempting to obtain, possess or furnish to another for any  
34 purpose of deception an identification document.
- 35 (e) Identity fraud is a severity level 9, nonperson felony.
- 36 (f) This section shall be part of and supplemental to the Kansas crim-  
37 inal code.
- 38 Sec. 3. K.S.A. 65-2434 is hereby amended to read as follows: 65-  
39 2434. ~~(1) Any person who willfully makes or alters any certificate, certified~~  
40 ~~copy thereof or abstract provided for in this act, except in accordance~~  
41 ~~with the provisions of this act, shall be guilty of a class B misdemeanor.~~
- 42 (a) Vital records identity fraud related to birth, death, marriage and  
43 divorce certificates shall be prosecuted pursuant to K.S.A. 21-3830, and

1 *amendments thereto.*

2 ~~(2)~~ (b) Any person who knowingly transports or accepts for transpor-  
3 tation, a dead body located in this state to a location outside the bound-  
4 aries of this state without an accompanying permit issued in accordance  
5 with the provisions of K.S.A. 65-2428a, *and amendments thereto*, shall be  
6 guilty of a class C misdemeanor.

7 ~~(3)~~ (c) Except where a different penalty is provided in this section,  
8 any person who violates any of the provisions of this act or neglects or  
9 refuses to perform any of the duties imposed upon such person by this  
10 act, shall be fined not more than \$200.

11 Sec. 4. K.S.A. 21-3830 and 65-2434 and K.S.A. 2004 Supp. 21-4018  
12 are hereby repealed.

13 Sec. 5. This act shall take effect and be in force from and after its  
14 publication in the statute book.