

CHAPTER 131

Substitute for HOUSE BILL No. 2087

AN ACT concerning crimes, punishment and criminal procedure; relating to identity theft, identity fraud and vital records fraud; amending K.S.A. 21-3830 and 65-2434 and K.S.A. 2004 Supp. 21-4018 and repealing the existing sections.

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

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

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

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

(b) As used in this section, "identification document" means any card, certificate or document or *banking instrument including, but not limited to, credit or debit card*, which identifies or purports to identify the bearer of such document, whether or not intended for use as identification, and includes, but is not limited to, documents purporting to be drivers' licenses, nondrivers' identification cards, *certified copies of birth, death, marriage and divorce* certificates, social security cards and employee identification cards.

(c) Dealing in false identification documents is a severity level ~~10~~ 8, nonperson felony.

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

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

(2) *making, counterfeiting, altering, amending or mutilating any certified copy of a vital record:*

(A) *Without lawful authority; and*

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

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

(e) *Vital records identity fraud is a severity level 8, nonperson felony.*

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

(1) *A person less than 21 years of age who uses the identification document 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;*

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

(C) *admittance to a performance, live or film, that prohibits the attendance of the person based on age; or*

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

(g) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. K.S.A. 2004 Supp. 21-4018 is hereby amended to read as follows: 21-4018. (a) Identity theft is knowingly and with intent to defraud for ~~economic~~ *any* 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~~ *has the meaning provided in K.S.A. 21-3830, and amendments thereto.*

(c) Identity theft is a severity level ~~7, person~~ 8, nonperson felony.

(d) *Identity fraud is:*

(1) *Willfully and knowingly supplying false information intending that the information be used to obtain an identification document;*

(2) *making, counterfeiting, altering, amending or mutilating any identification document:*

(A) *Without lawful authority; and*

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

(3) *willfully and knowingly obtaining, possessing, using, selling or furnishing or attempting to obtain, possess or furnish to another for any purpose of deception an identification document.*

(e) *Identity fraud is a severity level 8, nonperson felony.*

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

Sec. 3. K.S.A. 65-2434 is hereby amended to read as follows: 65-2434. ~~(1) Any person who willfully makes or alters any certificate, certified copy thereof or abstract provided for in this act, except in accordance with the provisions of this act, shall be guilty of a class B misdemeanor.~~

~~(2) (a) Vital records identity fraud related to birth, death, marriage and divorce certificates shall be prosecuted pursuant to K.S.A. 21-3830, and amendments thereto.~~

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

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

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

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

Approved April 13, 2005.
