

SESSION OF 2004

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE
FOR SENATE BILL NO. 388**

As Recommended by House Committee on
Judiciary

Brief*

House Sub. for SB 388 deals with identity theft by changing the current definition of identity theft that requires the intent to defraud for economic benefit. The proposed definition expands the unlawful use of an identification documents or a personal identification number of another person to include an intent to:

- ! defraud;
- ! harass;
- ! affect the credit worthiness of the person;
- ! enter, remain, or gain employment in the United States.

The prohibited conduct does not apply to the following:

- ! a person less than 21 years of age who uses the identification documents of another person to acquire an alcoholic beverage;
- ! a person less than 18 years of age who uses the identification documents of another person to acquire;
 - " cigarettes or tobacco products;
 - " a periodical, a videotape, or other communication medium that contains or depicts nudity;
 - " admittance to a performance, live or film, that prohibits the attendance of the person based on age; or
 - " an item that is prohibited by law for use or consumption by such person.

Certain provisions of the bill are from HB 2586.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The original bill dealing with statewide authority for Capitol Area Security Police was supported by North and Associates and by Senator Jay Emler. Proponents said a cabinet-level secretary was threatened by a disgruntled employee several years ago and the Capitol Police were instructed to follow the person to her Lawrence home. The Capitol Police, however, did not have any power to arrest a person outside of Shawnee County.