

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2008

By Representative Kinzer

1-13

1 AN ACT concerning crimes and punishment; relating to identity theft;
2 amending Section 177 of chapter 136 of the 2010 Session Laws of
3 Kansas and repealing the existing section.
4

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

6 Section 1. Section 177 of chapter 136 of the 2010 Session Laws of
7 Kansas is hereby amended to read as follows: Sec. 177. (a) Identity
8 theft is obtaining, possessing, transferring, using, selling or purchasing
9 any personal identifying information, or document containing the same,
10 belonging to or issued to another person, with the intent to defraud that
11 person, or anyone else, in order to receive any benefit.

12 (b) Identity fraud is:

13 (1) Using or supplying information the person knows to be false in
14 order to obtain a document containing any personal identifying
15 information; or

16 (2) altering, amending, counterfeiting, making, manufacturing or
17 otherwise replicating any document containing personal identifying
18 information with the intent to deceive;

19 (c) (1) Identity theft is a:

20 (A) Severity level ~~8~~ **9**, ~~nonperson~~ *person* felony, except as
21 provided in subsection (c)(1)(B); and

22 (B) is a severity level 5, ~~nonperson~~ *person* felony if the monetary
23 loss to the victim or victims is more than \$100,000.

24 (2) Identity fraud is a severity level ~~8~~ **9**, ~~nonperson~~ *person* felony.

25 (d) It is not a defense that the person did not know that such
26 personal identifying information belongs to another person, or that the
27 person to whom such personal identifying information belongs or was
28 issued is deceased.

29 (e) As used in this section, "personal identifying information"
30 includes, but is not limited to, the following:

31 (1) Name;

32 (2) birth date;

33 (3) address;

- 1 (4) telephone number;
- 2 (5) driver's license number or card or nondriver's identification
- 3 number or card;
- 4 (6) social security number or card;
- 5 (7) place of employment;
- 6 (8) employee identification numbers or other personal
- 7 identification numbers or cards;
- 8 (9) mother's maiden name;
- 9 (10) birth, death or marriage certificates;
- 10 (11) electronic identification numbers;
- 11 (12) electronic signatures; and
- 12 (13) any financial number, or password that can be used to access
- 13 a person's financial resources, including, but not limited to, checking or
- 14 savings accounts, credit or debit card information, demand deposit or
- 15 medical information.
- 16 Sec. 2. Section 177 of chapter 136 of the 2010 Session Laws of
- 17 Kansas is hereby repealed.
- 18 Sec. 3. This act shall take effect and be in force from and after its
- 19 publication in the statute book.