

JUDICIARY
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SENATE FILE 43

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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act making changes in the elements of the criminal offense of
2 identity theft.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 715A.8, subsection 2, Code 2003, is
2 amended to read as follows:

3 2. A person commits the offense of identity theft if the
4 ~~person with-the-intent-to-obtain-a-benefit-fraudulently~~
5 ~~obtains-identification-information-of-another-person-and~~ uses
6 or attempts to use that identification information of another
7 person to obtain credit, property, or services without the
8 authorization of that other person.

9 EXPLANATION

10 This bill relates to the criminal offense of identity
11 theft.

12 The bill changes the crime of identity theft by removing
13 from the elements of the crime the "intent to obtain a benefit
14 fraudulently" requirement. Under the bill a person commits
15 identity theft when the person uses or attempts to use
16 identification information of another person to obtain credit,
17 property, or services without authorization from that other
18 person.

19 Code section 715A.8(1) defines "identification information"
20 to mean the name, address, date of birth, telephone number,
21 driver's license number, nonoperator's identification number,
22 social security number, place of employment, employee
23 identification number, parent's legal surname prior to
24 marriage, demand deposit account number, savings or checking
25 account number, or credit card number of a person.

26 Identity theft is a class "D" felony if the value of the
27 credit, property, or services exceeds \$1,000, and an
28 aggravated misdemeanor if the value does not exceed \$1,000.

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