

Senate Study Bill 3122 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to the criminal offense of identity theft, and
2 providing penalties.

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

1 Section 1. Section 715A.8, subsection 3, Code 2016, is
2 amended to read as follows:

3 3. a. If the value of the credit, property, ~~or~~ services,
4 or other benefit exceeds one ten thousand dollars, the person
5 commits a class "~~D~~" "C" felony.

6 b. If the value of the credit, property, ~~or~~ services, or
7 other benefit exceeds one thousand dollars but does not exceed
8 ten thousand dollars, the person commits a class "D" felony.

9 c. If the value of the credit, property, services, or
10 other benefit does not exceed one thousand dollars, the person
11 commits an aggravated misdemeanor.

12 Sec. 2. Section 715A.9, Code 2016, is amended to read as
13 follows:

14 **715A.9 Value for purposes of identity theft.**

15 1. The value of credit, property, ~~or~~ services, or other
16 benefit obtained is its highest value by any reasonable
17 standard at the time the identity theft is committed. Any
18 reasonable standard includes but is not limited to market value
19 within the community, actual value, or replacement value.

20 2. If credit, property, ~~or~~ services are, or other benefit is
21 obtained by two or more acts from the same person or location,
22 or from different persons by two or more acts which occur in
23 approximately the same location or time period so that the
24 identity thefts are attributable to a single scheme, plan, or
25 conspiracy, the acts may be considered as a single identity
26 theft and the value may be the total value of all credit,
27 property, ~~and~~ services, and other benefit involved.

28 **EXPLANATION**

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to the criminal offense of identity theft.

32 Current law provides that a person commits identity theft
33 when a person fraudulently uses or attempts to fraudulently use
34 identification information of another person, with the intent
35 to obtain credit, property, services, or other benefit.

1 The bill adds the term "other benefit" to the penalty
2 language in Code section 715A.8(3) to align the language with
3 the elements of the crime of identity theft in Code section
4 715A.8(2).

5 The bill also aligns the language in Code section 715A.9
6 relating to the calculation of the value of the identity theft
7 with the language in Code section 715A.8.

8 The bill also enhances the penalty for identity theft if
9 the value of the credit, property, services, or other benefit
10 obtained through identity theft exceeds \$10,000. Under the
11 bill, a person commits a class "C" felony if the value exceeds
12 \$10,000. The bill does not change the criminal penalty for
13 identity theft where the value of the benefit obtained is
14 \$10,000 or less. If the value exceeds \$1,000 but does not
15 exceed \$10,000, the penalty remains a class "D" felony and
16 if the value does not exceed \$1,000, the penalty remains an
17 aggravated misdemeanor.

18 A class "C" felony is punishable by confinement for no more
19 than 10 years and a fine of at least \$1,000 but not more than
20 \$10,000. A class "D" felony is punishable by confinement for
21 no more than five years and a fine of at least \$750 but not
22 more than \$7,500. An aggravated misdemeanor is punishable by
23 confinement for no more than two years and a fine of at least
24 \$625 but not more than \$6,250.