

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2093

As Amended by House Committee of the Whole

Brief*

HB 2093, as amended, would amend statutes concerning computer crimes and would amend the definitions of the crimes of identity theft and identity fraud. Pursuant to the bill, it would be unlawful for any person to knowingly and without authorization disclose a number, code, password, or other means of access to a social networking website or personal electronic content. It also would be unlawful for any person to knowingly and without authorization access or attempt to access any social networking website. Commission of these acts would be class A nonperson misdemeanor. Further, the bill would increase the severity level from a level 8, nonperson felony to a level 5, nonperson felony for certain computer crimes where the monetary loss to the victim is more than \$100,000.

The bill would amend the definition of the crime of identity theft to include obtaining, possessing, transferring, using, selling, or purchasing any personal identifying information, or document containing the same, belonging to or issued to another person with intent to misrepresent that person in order to subject that person to economic or bodily harm. Commission of such acts would be a severity level 8, nonperson felony, except where monetary loss to the victim is more than \$100,000, in which case it would be a severity level 5, nonperson felony. Additionally, the bill would amend the definition of "personal identifying information," which appears in the definitions of identity theft and identity fraud, to include passwords, usernames, or other log-in information that can be used to access a person's personal electronic

*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>

content, including, but not limited to, content stored on a social networking website. The bill would include definitions for “personal electronic content” and “social networking website.”

Finally, the bill would create a new section stating that the conduct outlined in the definitions of the crimes of identity theft and identity fraud would constitute unconscionable acts or practices prohibited by the Kansas Consumer Protection Act, and any person who engaged in such conduct would be subject to the remedies and penalties provided by that Act. This section of the bill would be named the “Wayne Owen Law.”

Background

In the House Committee on Corrections and Juvenile Justice, Representative Gail Finney and representatives of the Kansas Bureau of Investigation and Kansas Oath Keepers appeared in support of the bill. No others offered testimony.

The House Committee amended the bill to add a new section applying remedies and penalties under the Kansas Consumer Protection Act to the crimes of identity theft and identity fraud.

The House Committee of the Whole amended the bill to name the new section added to the Kansas Consumer Protection Act the “Wayne Owen Law.”

The fiscal note prepared by the Division of the Budget for the bill, as introduced, indicates passage would result in an increase of two or three prison beds in FY 2014 and two, three, or four additional prison beds by FY 2023. Additionally, the Office of Judicial Administration indicates passage could increase the number of cases filed; however, the fiscal effect likely would be accommodated within existing resources.