

21-6107. Identity theft; identity fraud. (a) Identity theft is obtaining, possessing, transferring, using, selling or purchasing any personal identifying information, or document containing the same, belonging to or issued to another person, with the intent to:

- (1) Defraud that person, or anyone else, in order to receive any benefit; or
- (2) misrepresent that person in order to subject that person to economic or bodily harm.

(b) Identity fraud is:

- (1) Using or supplying information the person knows to be false in order to obtain a document containing any personal identifying information; or
- (2) altering, amending, counterfeiting, making, manufacturing or otherwise replicating any document containing personal identifying information with the intent to deceive;

(c) (1) Identity theft is a:

- (A) Severity level 8, nonperson felony, except as provided in subsection (c)(1)(B); and
- (B) severity level 5, nonperson felony if the monetary loss to the victim or victims is more than \$100,000.

(2) Identity fraud is a severity level 8, nonperson felony.

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

(e) As used in this section:

(1) "Personal electronic content" means the electronically stored content of an individual including, but not limited to, pictures, videos, emails and other data files;

(2) "personal identifying information" includes, but is not limited to, the following:

- (A) Name;
- (B) birth date;
- (C) address;
- (D) telephone number;
- (E) driver's license number or card or nondriver's identification number or card;
- (F) social security number or card;
- (G) place of employment;
- (H) employee identification numbers or other personal identification numbers or cards;
- (I) mother's maiden name;
- (J) birth, death or marriage certificates;
- (K) electronic identification numbers;
- (L) electronic signatures;
- (M) any financial number, or password that can be used to access a person's financial resources, including, but not limited to, checking or savings accounts, credit or debit card information, demand deposit or medical information; and
- (N) passwords, usernames or other log-in information that can be used to access a person's personal electronic content, including, but not limited to, content stored on a social networking website; and

(3) "social networking website" means a privacy-protected internet website which allows individuals to construct a public or semi-public profile within a bounded system created by the service, create a list of other users with whom the individual shares a connection within the system and view and navigate the list of users with whom the individual shares a connection and those lists of users made by others within the system.

History: L. 2010, ch. 136, § 177; L. 2011, ch. 30, § 46; L. 2013, ch. 96, § 4; July 1.