

Committee on Criminal Justice

CS/CS/HB 691 — Personal Identification Theft

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Ahern, Grant, and others
(CS/SB 1126 by Criminal Justice Committee and Senators Joyner and Stargel)

The bill makes it unlawful for a person to intentionally or knowingly possess, without authorization, the personal identification information of another person in any form. It is a first degree misdemeanor if a person commits this act and in doing so possesses the personal identification information of four or fewer persons. It is a third degree felony if the person commits this act and in doing so possesses the personal identification information of five or more persons.

“Personal identification information,” as defined in the bill, means a person’s social security number, official state-issued or United States-issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank account number, credit or debit card number, and medical records.

Proof that a person used or was in possession of the personal identification information of five or more individuals, unless satisfactorily explained, gives rise to an inference that the person who used or was in possession of the personal identification information did so knowingly and intentionally without authorization.

The offense does not apply to any of the following persons:

- A person who is the parent or legal guardian of a child and who possesses the personal identification information of that child.
- A person who is the guardian of another person and who is authorized to possess the personal identification information of that other person and make decisions regarding access to that personal identification information.
- An employee of a governmental agency who possesses the personal identification information of another person in the ordinary course of business.
- A person who is engaged in a lawful business and possesses the personal identification information of another person in the ordinary course of business.
- A person who finds a card or document issued by a governmental agency which contains the personal identification information of another person and who takes reasonably prompt action to return that card or document to its owner, to the governmental agency that issued the card or document, or to a law enforcement agency.

It is an affirmative defense to the alleged violation if the person who possesses the personal identification information of another person:

- Did so under the reasonable belief that such possession was authorized by law or by the consent of the other person; or

- Obtained that personal identification information from a forum or resource that is open or available to the general public or from a public record.

Prosecution of this new offense does not preclude prosecution for the unlawful possession of personal identification information under any other law, including prosecution for the criminal use of personal identification information that was otherwise lawfully possessed.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 38-0; House 119-0