

No. 2000-21

AN ACT

HB 945

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of identity theft.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 4120. Identity theft.

(a) Offense defined.—A person commits the offense of identity theft of another person if he possesses or uses identifying information of another person without the consent of that other person to further any unlawful purpose.

(b) Separate offenses.—Each time a person possesses or uses identifying information in violation of subsection (a) constitutes a separate offense under this section.

(c) Grading.—The offenses shall be graded as follows:

(1) A first offense under this section is a misdemeanor of the first degree, and a second or subsequent offense under this section is a felony of the third degree.

(2) When a person commits an offense under subsection (a) and the victim of the offense is 60 years of age or older, the grading of the offense shall be one grade higher than specified in paragraph (1).

(d) Concurrent jurisdiction to prosecute.—In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of this section or any series of such violations involving more than one county of this Commonwealth or another state. No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and if any such challenge is made, the challenge shall be dismissed and no relief shall be made available in the courts of this Commonwealth to the person making the challenge.

(e) Use of police reports.—A report to a law enforcement agency by a person stating that the person's identifying information has been lost or stolen or that the person's identifying information has been used without the person's consent shall be prima facie evidence that the identifying information was possessed or used without the person's consent.

(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Document.” Any writing, including, but not limited to, birth certificate, Social Security card, driver’s license, nondriver government-issued identification card, baptismal certificate, access device card, employee identification card, school identification card or other identifying information recorded by any other method, including, but not limited to, information stored on any computer, computer disc, computer printout, computer system, or part thereof, or by any other mechanical or electronic means.

“Identifying information.” Any document, photographic, pictorial or computer image of another person, or any fact used to establish identity, including, but not limited to, a name, birth date, Social Security number, driver’s license number, nondriver governmental identification number, telephone number, checking account number, savings account number, student identification number or employee or payroll number.

Section 2. This act shall take effect in 60 days.

APPROVED—The 22nd day of May, A.D. 2000.

THOMAS J. RIDGE