

HOUSE BILL NO. 32

INTRODUCED BY K. FUREY

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE PENALTIES FOR THE CRIME OF THEFT OF IDENTITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-6-332, MCA, is amended to read:

"45-6-332. Theft of identity. (1) A person commits the offense of theft of identity if the person purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent of the other person.

(2) (a) A person convicted of the offense of theft of identity if no economic benefit was gained or was attempted to be gained or if an economic benefit of less than \$1,000 was gained or attempted to be gained shall be fined an amount not to exceed \$1,000, imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) A person convicted of the offense of theft of identity if an economic benefit of \$1,000 or more was gained or attempted to be gained shall be fined an amount not to exceed \$10,000, imprisoned in a state prison for a term not to exceed 10 years, or both.

(c) If a theft of identity is used in the commission of a separate felony offense or if the stolen identity is used to deceive the state at the time of arrest or in the course of prosecution, a person convicted of the offense of theft of identity shall be fined an amount not to exceed \$10,000, imprisoned in a state prison for a term not to exceed 10 years, or both.

(3) As used in this section, "personal identifying information" includes but is not limited to the name, date of birth, address, telephone number, driver's license number, social security number or other federal government identification number, place of employment, employee identification number, mother's maiden name, financial institution account number, credit card number, or similar identifying information relating to a person.

(4) If restitution is ordered, the court may include, as part of its determination of an amount owed, payment for any costs incurred by the victim, including attorney fees and any costs incurred in clearing the credit

1 history or credit rating of the victim or in connection with any civil or administrative proceeding to satisfy any debt,
2 lien, or other obligation of the victim arising as a result of the actions of the defendant."

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4 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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