

Senate Bill No. 1374

CHAPTER 488

An act to amend Section 530.5 of the Penal Code, relating to personal information.

[Approved by Governor September 13, 1998. Filed with Secretary of State September 14, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1374, Leslie. Personal information.

Existing law provides that it is a misdemeanor for a person to willfully obtain personal identifying information, as defined, of another person and use that individual's personal identifying information to obtain, or attempt to obtain, credit, goods, or services in the name of the other person without the consent of that person.

This bill would make it a misdemeanor or a felony, punishable as specified, for a person to willfully obtain and use this personal identifying information to obtain or attempt to obtain credit, goods, services, or medical information in the name of another person without the consent of that person.

This bill would also provide that when a person willfully obtains personal identifying information and uses that information to commit a crime in addition to the above defined crime, and he or she is convicted of the further crime, court records would be required to reflect that the person whose identity was falsely used did not commit the crime.

By expanding the scope of, and increasing the penalty for, a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 530.5 of the Penal Code is amended to read:

530.5. (a) Every person who willfully obtains personal identifying information, as defined in subdivision (b), of another person without the authorization of that person, and uses that information for any unlawful purpose, including to obtain, or attempt to obtain, credit, goods, services, or medical information in the name of the other person without the consent of that person is guilty of a



public offense, and upon conviction therefor, shall be punished either by imprisonment in a county jail not to exceed one year, a fine not to exceed one thousand dollars (\$1,000), or both that imprisonment and fine, or by imprisonment in the state prison, a fine not to exceed ten thousand dollars (\$10,000), or both that imprisonment and fine.

(b) "Personal identifying information," as used in this section, means the name, address, telephone number, driver's license number, social security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, or credit card number of an individual person.

(c) In any case in which a person willfully obtains personal identifying information of another person without the authorization of that person, and uses that information to commit a crime in addition to a violation of subdivision (a), and is convicted of that crime, the court records shall reflect that the person whose identity was falsely used to commit the crime did not commit the crime.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

