

ASSEMBLY BILL

No. 1036

Introduced by Assembly Member Koretz

February 22, 2005

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1036, as introduced, Koretz. Identity theft.

Existing law provides that every person who willfully obtains personal identifying information about another person, as defined, and uses that information for any unlawful purpose is guilty of a crime punishable by imprisonment in a county jail not to exceed one year, a fine not to exceed \$1,000, or both, or by imprisonment in the state prison, a fine not to exceed \$10,000, or both.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 530.5 of the Penal Code is amended to
2 read:
3 530.5. (a) Every person who willfully obtains personal
4 identifying information, as defined in subdivision (b), of another
5 person, and uses that information for any unlawful purpose,
6 including to obtain, or attempt to obtain, credit, goods, services,
7 or medical information in the name of the other person without
8 the consent of that person, is guilty of a public offense, and upon
9 conviction therefor, shall be punished either by imprisonment in

1 a county jail *for a period* not to exceed one year, a fine not to
2 exceed one thousand dollars (\$1,000), or both that imprisonment
3 and fine, or by imprisonment in the state prison, a fine not to
4 exceed ten thousand dollars (\$10,000), or both that imprisonment
5 and fine.

6 (b) “Personal identifying information,” as used in this section,
7 means the name, address, telephone number, health insurance
8 identification number, taxpayer identification number, school
9 identification number, state or federal driver’s license number, or
10 identification number, social security number, place of
11 employment, employee identification number, mother’s maiden
12 name, demand deposit account number, savings account number,
13 checking account number, PIN (personal identification number)
14 or password, alien registration number, government passport
15 number, date of birth, unique biometric data including
16 fingerprint, facial scan identifiers, voice print, retina or iris
17 image, or other unique physical representation, unique electronic
18 data including identification number, address, or routing code,
19 telecommunication identifying information or access device,
20 information contained in a birth or death certificate, or credit card
21 number of an individual person.

22 (c) In any case in which a person willfully obtains personal
23 identifying information of another person, uses that information
24 to commit a crime in addition to a violation of subdivision (a),
25 and is convicted of that crime, the court records shall reflect that
26 the person whose identity was falsely used to commit the crime
27 did not commit the crime.

28 (d) Every person who, with the intent to defraud, acquires,
29 transfers, or retains possession of the personal identifying
30 information, as defined in subdivision (b), of another person is
31 guilty of a public offense, and upon conviction therefor, shall be
32 punished by imprisonment in a county jail not to exceed one
33 year, or a fine not to exceed one thousand dollars (\$1,000), or by
34 both that imprisonment and fine.