

By: Representative Ryan

To: Judiciary B

HOUSE BILL NO. 809

1 AN ACT TO AMEND SECTION 97-19-85, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT THE FRAUDULENT USE OF IDENTIFYING INFORMATION TO  
3 MISLEAD LAW ENFORCEMENT OFFICERS; TO PRESCRIBE PENALTIES; AND FOR  
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 97-19-85, Mississippi Code of 1972, is  
7 amended as follows:

8 97-19-85. (1) Any person who shall make or cause to be made  
9 any false statement or representation as to his or another  
10 person's identity, Social Security account number, credit card  
11 number, debit card number or other identifying information for the  
12 purpose of fraudulently obtaining or with the intent to obtain  
13 goods, services or any thing of value, shall be guilty of a felony  
14 and upon conviction thereof for a first offense shall be fined not  
15 more than Five Thousand Dollars (\$5,000.00) or imprisoned for a  
16 term not to exceed five (5) years, or both. For a second or  
17 subsequent offense such person, upon conviction, shall be fined  
18 not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for  
19 a term not to exceed ten (10) years, or both. In addition to the  
20 fines and imprisonment provided in this section, a person  
21 convicted under this section shall be ordered to pay restitution  
22 as provided in Section 99-37-1 et seq.

23           (2) A person is guilty of fraud under subsections (1) and  
24 (3) who:

25           (a) Shall furnish false information wilfully, knowingly  
26 and with intent to deceive anyone as to his true identity or the  
27 true identity of another person;

28           (b) Wilfully, knowingly, and with intent to deceive,  
29 uses a Social Security account number to establish and maintain  
30 business or other records; or

31           (c) With intent to deceive, falsely represents a number  
32 to be the Social Security account number assigned to him or  
33 another person, when in fact the number is not the Social Security  
34 account number assigned to him or such other person; or

35           (d) Knowingly alters a Social Security card, buys or  
36 sells a Social Security card or counterfeit or altered Social  
37 Security card, counterfeits a Social Security card, or possesses a  
38 Social Security card or counterfeit Social Security card with  
39 intent to sell or alter it.

40           (3) Any person who shall cause to be made any false  
41 statement or representation as to his or another person's  
42 identity, Social Security number or other identifying information  
43 to a law enforcement officer in the course of the officer's duties  
44 with the intent to mislead the officer shall be guilty of a  
45 misdemeanor and upon conviction thereof shall be fined not more  
46 than Five Thousand Dollars (\$5,000.00) or imprisoned for a term  
47 not to exceed one (1) year, or both.

48           SECTION 2. This act shall take effect and be in force from  
49 and after July 1, 1999.