To: Judiciary, Division B

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2009

By: Senator(s) Watson, Albritton, McDaniel

To: Judiciary, Division B

SENATE BILL NO. 2989

AN ACT TO AMEND SECTION 97-19-85, MISSISSIPPI CODE OF 1972, TO EXPAND IDENTITY THEFT TO INCLUDE BUSINESSES; AND FOR RELATED PURPOSES.

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

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

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

(2) A person is guilty of fraud under subsection (1) who:

(a) Shall furnish false information willfully, knowingly and with intent to deceive anyone as to his true identity or the true identity of another person;
(b) Willfully, knowingly and with intent to deceive, uses a social security account number to establish and maintain business or other records; * * *

(c) With intent to deceive, falsely represents a number to be the social security account number assigned to him or another person, when in fact the number is not the social security account number assigned to him or such other person; * * *

(d) With intent to deceive, falsely represents to be a representative of an entity in order to open banking accounts, or obtain credit cards or other services or supplies in the entity's name; or

(e) Knowingly alters a social security card, buys or sells a social security card or counterfeit or altered social security card, counterfeits a social security card, or possesses a social security card or counterfeit social security card with intent to sell or alter it.

SECTION 2. This act shall take effect and be in force from and after July 1, 2009.