

By: Representative Banks

To: Judiciary B

HOUSE BILL NO. 1293

1 AN ACT TO AMEND SECTION 97-45-19, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE DAMAGE TO A PERSON'S IDENTITY BY FRAUD IN THE OFFENSE
3 OF IDENTITY THEFT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-45-19, Mississippi Code of 1972, is
6 amended as follows:

7 97-45-19. (1) A person shall not obtain or attempt to
8 obtain personal identity information of another person with the
9 intent to unlawfully use that information for any of the following
10 purposes without that person's authorization:

11 (a) To obtain financial credit.

12 (b) To purchase or otherwise obtain or lease any real
13 or personal property.

14 (c) To obtain employment.

15 (d) To obtain access to medical records or information
16 contained in medical records.

17 (e) To commit any illegal act.

18 (f) To damage a person's identity by fraud.

19 (2) (a) A person who violates this section is guilty of a
20 felony punishable by imprisonment for not less than two (2) nor
21 more than fifteen (15) years or a fine of not more than Ten
22 Thousand Dollars (\$10,000.00), or both.

23 (b) Notwithstanding the provisions of paragraph (a) of
24 this subsection (2), if the violation involves an amount of less
25 than Two Hundred Fifty Dollars (\$250.00), a person who violates
26 this section may be found guilty of a misdemeanor punishable by
27 imprisonment in the county jail for a term of not more than six



28 (6) months, or by a fine of not more than One Thousand Dollars
29 (\$1,000.00), or both, in the discretion of the court.

30 (c) For purposes of determining the amount of the
31 violation, the value of all goods, property, services and other
32 things of value obtained or attempted to be obtained by the use of
33 an individual's identity information shall be aggregated.

34 (3) This section does not prohibit the person from being
35 charged with, convicted of, or sentenced for any other violation
36 of law committed by that person using information obtained in
37 violation of this section.

38 (4) This section does not apply to a person who obtains or
39 attempts to obtain personal identity information of another person
40 pursuant to the discovery process of a civil action, an
41 administrative proceeding or an arbitration proceeding.

42 (5) Upon the request of a person whose identifying
43 information was appropriated, the Attorney General may provide
44 assistance to the victim in obtaining information to correct
45 inaccuracies or errors in the person's credit report or other
46 identifying information; however, no legal representation shall be
47 afforded such person by the Office of the Attorney General.

48 (6) A person convicted under this section or under Section
49 97-19-85 shall be ordered to pay restitution as provided in
50 Section 99-37-1 et seq., and any legal interest in addition to any
51 other fine or imprisonment which may be imposed.

52 **SECTION 2.** This act shall take effect and be in force from
53 and after July 1, 2011.

