MISSISSIPPI LEGISLATURE

REGULAR SESSION 2013

By: Representative Banks

To: Judiciary B

HOUSE BILL NO. 598

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

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

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

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

(a) To obtain financial credit.
(b) To purchase or otherwise obtain or lease any real or personal property.
(c) To obtain employment.
(d) To obtain access to medical records or information contained in medical records.
(e) To commit any illegal act.
(f) To damage a person's identity by fraud.
(2) (a) A person who violates this section is guilty of a felony punishable by imprisonment for not less than two (2) nor more than fifteen (15) years or a fine of not more than Ten Thousand Dollars ($10,000.00), or both.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2), if the violation involves an amount of less than Two Hundred Fifty Dollars ($250.00), a person who violates this section may be found guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than six (6) months, or by a fine of not more than One Thousand Dollars ($1,000.00), or both, in the discretion of the court.

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

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

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

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

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.