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HOUSE BILL 146

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Delores C. Wright

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE
KNOWN AS THEFT OF IDENTITY; PRESCRIBING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Criminal Code is enacted
to read:

"NEW MATERIAL THEFT OF IDENTITY. --

A. Theft of identity consists of a person who
willfully obtains personal identifying information of another
person without the authorization of that person and who uses
the information to obtain credit, goods or services in the
name of that other person, without the consent of that person.

B. As used in this section, "personal identifying
information" means a person's name, address, telephone number,
driver's license number, social security number, place of

underscored material = new
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1 employment, employee identification number, demand deposit
2 account number, savings account number or credit card number.

3 C. Whoever commits theft of identity is guilty of
4 a misdemeanor. "

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 5, 1999
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8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been
11 referred
12

13 HOUSE BILLS 71, 146 & 627
14

15 has had them under consideration and reports same with
16 recommendation that they DO NOT PASS, but that

17 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
18 HOUSE BILLS 71, 146 & 627
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20 DO PASS and thence referred to the APPROPRIATIONS AND
21 FINANCE COMMITTEE.
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Respectfully submitted,

R. David Pederson, Chairman

Adopted _____

Not Adopted _____

-

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Luna, Stewart, Sanchez

Absent: None

J:\99Bi11sWP\H0146

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 71, 146 & 627

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE
KNOWN AS THEFT OF IDENTITY; PRESCRIBING PENALTIES; ENACTING A
NEW SECTION OF THE CRIMINAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Criminal Code is enacted
to read:

"NEW MATERIAL THEFT OF IDENTITY. --

A. Theft of identity consists of willfully obtaining
personal identifying information of another person and using
that information without the authorization or consent of that
person.

B. As used in this section, "personal identifying
information" means a person's name, address, telephone number,
driver's license number, social security number, place of
employment, employee identification number, demand deposit,
account number, checking or savings account number, charge
account number, credit card number or the maiden name of the

1 person's mother, when that information is misappropriated with
2 the intent to injure or defraud.

3 C. Whoever commits theft of identity when there is
4 no direct financial impact on the person who did not authorize
5 use of personal identifying information is guilty of a
6 misdemeanor.

7 D. Whoever commits theft of identity when the
8 person uses the personal identifying information of another
9 person to obtain money, credit, goods, services or anything of
10 value in the name of that other person and the value is one
11 thousand dollars (\$1,000) or less is guilty of a misdemeanor.

12 E. Whoever commits theft of identity when the
13 person uses the personal identifying information of another
14 person to obtain money, credit, goods, services or anything of
15 value in the name of that other person and the value is over
16 one thousand dollars (\$1,000) but not more than two thousand
17 five hundred dollars (\$2,500) is guilty of a fourth degree
18 felony.

19 F. Whoever commits theft of identity when the
20 person uses the personal identifying information of another
21 person to obtain money, credit, goods, services or anything of
22 value in the name of that other person and the value is over
23 two thousand five hundred dollars (\$2,500) but not more than
24 twenty thousand dollars (\$20,000) is guilty of a third degree
25 felony.

G. Whoever commits theft of identity when the
person uses the personal identifying information of another
person to obtain money, credit, goods, services or anything of

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value in the name of that other person and the value is over
twenty thousand dollars (\$20,000) is guilty of a second degree
felony. "

Section 2. EFFECTIVE DATE. --The effective date of the
provisions of this act is July 1, 1999.