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HOUSE BILL 71

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

INTRODUCED BY

Gail C. Beam

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 a person who
willfully obtains personal identifying information of another
person without the authorization of that person and who uses
the information to obtain money, credit, goods, services or
anything else of value in the name of that other person,
without the consent of that person.

B. As used in this section, "personal identifying

underscored material = new
[bracketed material] = delete

1 information" means a person's name, address, telephone number,
2 driver's license number, social security number, place of
3 employment, employee identification number, demand deposit
4 account number, savings account number, credit card number or
5 the maiden name of the person's mother.

6 C. Whoever commits theft of identity is guilty of
7 a misdemeanor. "

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

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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
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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

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1 employment, employee identification number, demand deposit,
2 account number, checking or savings account number, charge
3 account number, credit card number or the maiden name of the
4 person's mother, when that information is misappropriated with
5 the intent to injure or defraud.

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

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

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

22 F. Whoever commits theft of identity when the
23 person uses the personal identifying information of another
24 person to obtain money, credit, goods, services or anything of
25 value in the name of that other person and the value is over

1 two thousand five hundred dollars (\$2,500) but not more than
2 twenty thousand dollars (\$20,000) is guilty of a third degree
3 felony.

4 G. Whoever commits theft of identity when the
5 person uses the personal identifying information of another
6 person to obtain money, credit, goods, services or anything of
7 value in the name of that other person and the value is over
8 twenty thousand dollars (\$20,000) is guilty of a second degree
9 felony. "

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

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2 HJC/HB 71, 146 & 627

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4 FORTY-FOURTH LEGISLATURE
5 FIRST SESSION, 1999
6

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8
9 March 5, 1999
10

11 Mr. Speaker:
12

13 Your JUDICIARY COMMITTEE, to whom has been referred
14

15 HOUSE BILLS 71, 146 & 627
16

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

19 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
20 HOUSE BILLS 71, 146 & 627
21

22 DO PASS and thence referred to the APPROPRIATIONS AND
23 FINANCE COMMITTEE.
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25

1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HJC/HB' s 71, 146 & 627

Page 7

4 Respectfully submitted,

8 _____
9 R. David Pederson, Chairman

11 Adopted _____

12 (Chief Clerk)

Not Adopted _____

(Chief Clerk)

14 Date _____

16 The roll call vote was 9 For 0 Against

17 Yes: 9

18 Excused: Luna, Stewart, Sanchez

19 Absent: None

20 J: \99BillSWP\H0071

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HJC/HB 71, 146 & 627

**FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999**

March 11, 1999

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

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

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Max Coll, Chairman

1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 Page 9

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 15 For 0 Against

11 Yes: 15

12 Excused: Coll, Saavedra

13 Absent: None

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15 J: \99BillSWP\H0071

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