

# Senate Bill 447

Sponsored by COMMITTEE ON JUDICIARY (at the request of Oregon Bankers Association)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Broadens scope of crime of identity theft.

### A BILL FOR AN ACT

1  
2 Relating to identity theft; amending ORS 165.800.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 165.800 is amended to read:

5 165.800. (1) A person commits the crime of identity theft if the person, with the intent to deceive  
6 or to defraud, obtains, possesses, transfers, creates, utters or converts to the person's own use the  
7 personal identification of another person.

8 (2) Identity theft is a Class C felony.

9 (3) It is an affirmative defense to violating subsection (1) of this section that the person charged  
10 with the offense:

11 (a) Was under 21 years of age at the time of committing the offense and the person used the  
12 personal identification of another person solely for the purpose of purchasing alcohol;

13 (b) Was under 18 years of age at the time of committing the offense and the person used the  
14 personal identification of another person solely for the purpose of purchasing tobacco products; or

15 (c) Used the personal identification of another person solely for the purpose of misrepresenting  
16 the person's age to gain access to a:

17 (A) Place the access to which is restricted based on age; or

18 (B) Benefit based on age.

19 (4) As used in this section:

20 (a) "Another person" means a real **person, whether living or deceased**, or **an** imaginary per-  
21 son.

22 (b) "Personal identification" includes, but is not limited to, any written document or electronic  
23 data that does, or purports to, provide information concerning:

24 (A) A person's name, address or telephone number;

25 (B) A person's driving privileges;

26 (C) A person's Social Security number or tax identification number;

27 (D) A person's citizenship status or alien identification number;

28 (E) A person's employment status, employer or place of employment;

29 (F) The identification number assigned to a person by a person's employer;

30 (G) The maiden name of a person or a person's mother;

31 (H) The identifying number of a person's depository account at a "financial institution" **or**  
32 **"trust company," as those terms are** defined in ORS 706.008, or a credit card account;

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (I) A person's signature or a copy of a person's signature;
- 2 (J) A person's electronic mail name, electronic mail signature, electronic mail address or elec-
- 3 tronic mail account;
- 4 (K) A person's photograph;
- 5 (L) A person's date of birth; and
- 6 (M) A person's personal identification number.
- 7 \_\_\_\_\_