

Wayne Johnson - 1

99 LSO-0538

HOUSE BILL 0246

HOUSE BILL 0246

Title:

HB0246 Theft of identity.

AN ACT relating to theft of identity; defining the criminal offense of theft of identity; providing penalties; providing for restitution; providing for civil actions; providing for injunctive and other relief; authorizing award of attorney fees as specified; requiring correction of court records; and providing for an effective date.

Wayne Johnson

Introduced by:

HOUSE ACTION ON HOUSE BILL

- 1/22 Introduced
Aye ___ No ___ Ex ___ Ab ___
- Read First Time and Ref. to Committee No. 01
- Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
- 1/29 Returned from Committee No. 01
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. ___
- 1/31 Re-referred to Committee No. ___
1/31 Returned from Committee No. ___
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. ___
- 2/3 Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- 2/4 Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- 2/5 Read Third Time
 Amended
 Passed Failed
Aye 59 No 0 Ex 01 Ab 0
 Held for Reconsideration
 Motion to Reconsider
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
(On Reconsideration)
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- 2/5 Sent to Senate (No Amendments)
1/31 Sent to LSO for Engrossing
1/31 ENGROSSED
1/31 Sent to Senate

SENATE ACTION ON HOUSE BILL

- 2/5 Received. Read First Time.
Referred to Committee No. 1
- 2/12 Returned from Committee No. 1
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. ___
- 1/31 Re-referred to Committee No. ___
1/31 Returned from Committee No. ___
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. ___
- 2/12 Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- 2/12 Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- 2/11 Read Third Time
 Amended
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Held for Reconsideration
 Motion to Reconsider
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
(On Reconsideration)
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- 1/31 Sent to House
- 2/11 Sent for Enrolling
HEA No. 112
- 3/1 Signed by Speaker
- 3/1 Signed by President
- 3/4 Approved by Governor
Chapter No. 175

FIFTY-FIFTH WYOMING STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
GENERAL SESSION
1999

SEQUENCE : 4195

FEBRUARY 5 1999

BILL : HB0246
AMENDMENT:

9:00 AM

MOVED BY :
TITLE1 :
TITLE2 :
ACTION : THIRD READING CONSENT LIST (ATTACHED)

SECONDED BY:

ANDERSON, J....	A	NAGEL.....	A
ANDERSON, R....	A	NELSON.....	A
BADGETT.....	A	NICHOLAS.....	A
BAKER.....	A	OSBORN.....	A
BERRY.....	A	PARADY.....	A
BOSWELL.....	A	PASENEAUX.....	A
BURNS.....	A	PHILP.....	A
CASADY.....	E	RARDIN.....	A
CHILDERS.....	A	REESE.....	A
COHEE.....	A	ROBINSON.....	A
DEEGAN.....	A	ROSE, J.....	A
DIERCKS.....	A	ROSE, T.....	A
ESQUIBEL.....	A	ROSS.....	A
EYRE.....	A	ROUNDS.....	A
FLEMING.....	A	RYCKMAN.....	A
HAGEMAN.....	A	SAMUELSON.....	A
HESSENTHALER...	A	SHIVLER.....	A
HINES.....	A	SIMONS.....	A
HUCKFELDT.....	A	SIMPSON.....	A
ILLOWAY.....	A	SMITH.....	A
JOHNSON, L.....	A	STAFFORD.....	A
JOHNSON, W.....	A	TANNER.....	A
LANDON.....	A	TEMPEST.....	A
LAW.....	A	TIPTON.....	A
LUTHI.....	A	TOMASSI.....	A
MCGRAW.....	A	WASSERBURGER...	A
MCMURTREY.....	A	WILLFORD.....	A
MCOMIE.....	A	WOSTENBERG.....	A
MEULI.....	A	ZANETTI.....	A
MORGAN.....	A	BEBOUT, MR SPKR	A

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 59
NOES : 0
EXCUSED : 1
ABSENT : 0
CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT

HOUSE BILL NO. HB0246

Theft of identity.

Sponsored by: Representative(s) Johnson, W. and Nicholas and
Senator(s) Hanes

A BILL

for

1 AN ACT relating to theft of identity; defining the criminal
2 offense of theft of identity; providing penalties; providing
3 for restitution; providing for civil actions; providing for
4 injunctive and other relief; authorizing award of attorney
5 fees as specified; requiring correction of court records;
6 and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 1-1-128 and 6-3-901 are created to
11 read:

12

13 **1-1-128. Civil liability for theft of identity.**

14

15 (a) A person who is the victim of theft of identity as
16 defined by W.S. 6-3-901 may maintain a civil action to
17 enjoin or restrain any violation of W.S. 6-3-901 and may in

1 the same action seek damages from the person violating W.S.
2 6-3-901. In order to maintain an action for injunctive
3 relief under this section, it is not necessary for the
4 plaintiff to show actual damages or the threat of actual
5 damages. A prevailing party in an action under this section
6 may recover court costs and reasonable attorney fees.

7

8 (b) A conviction or plea of guilty is not a
9 prerequisite to the bringing of a civil action under this
10 section.

11

12 (c) A cause of action for theft of identity is not
13 deemed to have accrued until the wrongdoer is discovered.

14

15 (d) Nothing in this section shall prevent the criminal
16 prosecution of a person for theft of identity. However, any
17 payment made by the defendant to a victim pursuant to an
18 order for restitution entered in a criminal case pursuant to
19 W.S. 6-3-901 and 7-9-101 through 7-9-115, shall be set off
20 against any judgment in favor of the victim in a civil
21 action brought under this section arising out of the same
22 facts or event.

23

24

ARTICLE 9

25

THEFT OF IDENTITY

1

2 6-3-901. Unauthorized use of personal identifying
3 information; penalties; restitution.

4

5 (a) Every person who willfully obtains personal
6 identifying information of another person, and uses that
7 information for any unlawful purpose, including to obtain,
8 or attempt to obtain, credit, goods, services or medical
9 information in the name of the other person without the
10 consent of that person is guilty of theft of identity.

11

12 (b) As used in this section "personal identifying
13 information," means the name, address, telephone number,
14 driver's license number, social security number, place of
15 employment, employee identification number, mother's maiden
16 name, demand deposit account number, savings account number,
17 or credit card number of an individual person.

18

19 (c) Theft of identity is:

20

21 (i) A misdemeanor punishable by imprisonment for
22 not more than six (6) months, a fine of not more than seven
23 hundred fifty dollars (\$750.00), or both, if no economic
24 benefit was gained or was attempted to be gained, or if an
25 economic benefit of less than five hundred dollars (\$500.00)

1 was gained or was attempted to be gained by the defendant;
2 or

3

4 (ii) A felony punishable for not more than ten
5 (10) years, a fine of not more than ten thousand dollars
6 (\$10,000.00), or both, if an economic benefit of five
7 hundred dollars (\$500.00) or more was gained or was
8 attempted to be gained by the defendant.

9

10 (d) If a restitution plan is ordered pursuant to W.S.
11 7-9-101 through 7-9-115, the court may include, as part of
12 its determination of amount owed pursuant to W.S. 7-9-103,
13 payment for any costs incurred by the victim, including
14 attorney fees, any costs incurred in clearing the credit
15 history or credit rating of the victim or in connection with
16 any civil or administrative proceeding to satisfy any debt,
17 lien or other obligation of the victim arising as a result
18 of the actions of the defendant.

19

20 (e) In any case in which a person willfully obtains
21 personal identifying information of another person, and
22 without the authorization of that person uses that
23 information to commit a crime in addition to a violation of
24 subsection (a) of this section, and is convicted of that
25 crime, the court records shall reflect that the person whose

1 identity was falsely used to commit the crime did not commit
2 the crime.

3

4 **Section 2.** This act is effective July 1, 1999.

5

6

(END)

Theft of identity.

99LSO-0538.L1

FISCAL NOTE

No fiscal or personnel impact.

HB 246

FIFTY-FIFTH WYOMING STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
GENERAL SESSION
1999

SEQUENCE : 4189

FEBRUARY 5 1999

BILL : CONSENT LIST
AMENDMENT:

8:57 AM

MOVED BY :
TITLE1 :
TITLE2 :
ACTION : THIRD READING CONSENT LIST (ATTACHED)

SECONDED BY:

ANDERSON, J.....	A		NAGEL.....	A
ANDERSON, R.....	A		NELSON.....	A
BADGETT.....	A		NICHOLAS.....	A
BAKER.....	A		OSBORN.....	A
BERRY.....	A		PARADY.....	A
BOSWELL.....	A		PASENEAUX.....	A
BURNS.....	A		PHILP.....	A
CASADY.....		E	RARDIN.....	A
CHILDERS.....	A		REESE.....	A
COHEE.....	A		ROBINSON.....	A
DEEGAN.....	A		ROSE, J.....	A
DIERCKS.....	A		ROSE, T.....	A
ESQUIBEL.....	A		ROSS.....	A
EYRE.....	A		ROUNDS.....	A
FLEMING.....	A		RYCKMAN.....	A
HAGEMAN.....	A		SAMUELSON.....	A
HESSENTHALER...	A		SHIVLER.....	A
HINES.....	A		SIMONS.....	A
HUCKFELDT.....	A		SIMPSON.....	A
ILLOWAY.....	A		SMITH.....	A
JOHNSON, L.....	A		STAFFORD.....	A
JOHNSON, W.....	A		TANNER.....	A
LANDON.....	A		TEMPEST.....	A
LAW.....	A		TIPTON.....	A
LUTHI.....	A		TOMASSI.....	A
MCGRAW.....	A		WASSERBURGER...	A
MCMURTREY.....	A		WILLFORD.....	A
MCOMIE.....	A		WOSTENBERG.....	A
MEULI.....	A		ZANETTI.....	A
MORGAN.....	A		BEBOUT, MR SPKR	A

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 59
NOES : 0
EXCUSED : 1
ABSENT : 0
CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT

FIFTY-FIFTH WYOMING STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
GENERAL SESSION
1999

7:01 AM

AGENDA SUMMARY

2/05/99

CALENDAR: 3RD RDG CONSENT

BILL MOVED BY TITLE

- 1) CONSENT LIST
- 2) HB0043
- 3) HB0184
- 4) HB0216
- 5) HB0220
- 6) HB0245
- 7) HB0246
- 8) HB0247
- 9) HB0285
- 10) HB0288
- 11) HB0289
- 12) HB0291

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, February 17, 1999

Mr. President:

Your
Committee No. 1 on JUDICIARY to whom was referred
HB0246 respectfully reports same back to the Senate with the
 recommendation that it
DO PASS.

	AYES	NOES	ABSENT	EXCUSED	CONFLICT
HANES	X				
GOODENOUGH	X				
JOB	X				
SCHIFFER	X				
YOUNGBAUER	X				

AYES = 5
 NOES = 0
 ABSENT = 0
 EXCUSED = 0
 CONFLICT = 0
 TOTAL = 5



.....
 Senator John Schiffer, Chairman

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, January 29, 1999
7:14am

Mr. Speaker:

Your
Committee No. 1 on JUDICIARY to whom was referred
HB0246 respectfully reports same back to the House with the
recommendation that it
DO PASS.

	AYES	NOES	ABSENT	EXCUSED	CONFLICT
NAGEL	X				
MORGAN	X				
LUTHI	X				
JOHNSON, L.	X				
NICHOLAS	X				
ROBINSON	X				
WASSERBURGER	X				
SIMPSON	X				
ROSE, T.	X				

AYES = 9
NOES = 0
ABSENT = 0
EXCUSED = 0
CONFLICT = 0
TOTAL = 9

.....PATRICIA NAGEL.....
Representative Pat Nagel, Chairman