

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0036

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to BROWN-----Identity Theft.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-30A-3.1 be amended to read as follows:

4 22-30A-3.1. ~~A person commits the offense of identity theft if the~~ If any person, without the
5 authorization or permission of another person and with the intent to deceive or defraud:

6 (1) Obtains, possesses, transfers, uses, attempts to obtain, or records identifying
7 information not lawfully issued for that person's use; or

8 (2) Accesses or attempts to access the financial resources of that person through the
9 use of identifying information;

10 such person commits the crime of identity theft. A violation of Identity theft committed pursuant
11 to this section is a ~~Class 1 misdemeanor~~ Class 6 felony.

12 Section 2. That § 22-30A-3.2 be amended to read as follows:

13 22-30A-3.2. For the purposes of §§ 22-30A-3.1 to 22-30A-3.3, inclusive, identifying
14 information includes:

15 (1) Birth certificate or passport information;

16 (2) Driver's license numbers;



- 1 (3) Social security or other taxpayer identification numbers;
- 2 (4) Checking account numbers;
- 3 (5) Savings account numbers;
- 4 (6) Credit card numbers;
- 5 (7) Debit card numbers;
- 6 (8) Personal identification numbers, passwords, or challenge questions;
- 7 (9) User names or identifications;
- 8 (10) Biometric data; or
- 9 (11) Any other numbers, documents, or information which can be used to access
- 10 a another person's financial resources.

11 Section 3. That § 22-30A-3.3 be amended to read as follows:

12 22-30A-3.3. In any criminal proceeding brought pursuant to § 22-30A-3.1, the crime ~~shall~~
13 may be considered to have been committed in any county in which any part of the identity theft
14 took place, regardless of whether the defendant was ever actually in such county.

15 Section 4. The code counsel shall transfer §§ 22-30A-3.1 to 22-30A-3.3, inclusive, to
16 chapter 22-40 and shall renumber the sections accordingly and adjust all appropriate cross
17 references.