

AN ACT

ENTITLED, An Act to provide for the crime of identity theft.

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

Section 1. A person commits the offense of identity theft if the person without the authorization or permission of another person and with the intent to deceive or defraud:

- (1) Obtains, possesses, transfers, uses, attempts to obtain, or records identifying information not lawfully issued for that person's use; or
- (2) Accesses or attempts to access the financial resources of that person through the use of identifying information.

A violation of this section is a Class 1 misdemeanor.

Section 2. For the purposes of this Act, identifying information includes:

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

Section 3. In any criminal proceeding brought pursuant to section 1 of this Act, the crime shall be considered to have been committed in any county in which any part of the identity theft took place,

regardless of whether the defendant was ever actually in such county.

An Act to provide for the crime of identity theft.

=====
I certify that the attached Act
originated in the

SENATE as Bill No. 20

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 20
File No. _____
Chapter No. _____

=====
Received at this Executive Office
this ____ day of _____,

20__ at _____ M.

By _____
for the Governor

=====
The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Ass. Secretary of State