

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0306

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB20** - 2/8/00

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to provide for the crime of identity theft.

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

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

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

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

9 A violation of this section is a Class 1 misdemeanor.

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

11 (1) Birth certificate or passport information;

12 (2) Driver's license numbers;

13 (3) Social security or other taxpayer identification numbers;

14 (4) Checking account numbers;

15 (5) Savings account numbers;

16 (6) Credit card numbers;

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

7       Section 3. In any criminal proceeding brought pursuant to section 1 of this Act, the crime  
8 shall be considered to have been committed in any county in which any part of the identity theft  
9 took place, regardless of whether the defendant was ever actually in such county.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Judiciary. S.J. 17

3 1/14/00 Scheduled for Committee hearing on this date.

4 1/14/00 Judiciary Deferred to another day.

5 2/4/00 Scheduled for Committee hearing on this date.

6 2/4/00 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 328