



Michael J. O'Neill

*Final Analysis*  
*Legislative Service Commission*

## **Am. S.B. 7**

123rd General Assembly  
(As Passed by the General Assembly)

**Sens. Oelslager, Brady, Cupp, Kearns, Latta, McLin, Mumper, Schafrath, Blessing, Herington, Gardner, Carnes, Watts, Spada, Drake, Hottinger, Johnson, Ray, Latell**

**Reps. Roman, Womer Benjamin, Callender, Buehrer, Goodman, Lucas, Logan, Taylor, Van Vyven, Austria, Healy, Grendell, Thomas, Terwilliger, Damschroder, Salerno, Verich, DePiero, Perry, Vesper, Schuler, Amstutz, Hollister, Calvert, Wilson, Padgett, Metelsky, Harris, Core, Clancy, Tiberi, Hoops, Sullivan, Flannery, Kilbane, Peterson, Pringle, Opfer, Hartnett, Boyd, Barnes, Krupinski, Olman**

**Effective date:** \*

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### **ACT SUMMARY**

- Creates the offense of taking the identity of another.

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### **CONTENT AND OPERATION**

#### **New prohibitions--offense of taking the identity of another**

The act enacts two prohibitions that pertain to the taking of another person's identity. The first prohibition prohibits a person from obtaining, possessing, or using any "personal identifying information" (see "Definitions," below) of any living or dead individual with the intent to fraudulently obtain credit, property, or services or avoid the payment of a debt or other legal obligation. The second prohibits a person from creating, obtaining, possessing, or using the personal identifying information of any living or dead individual with the intent to aid or abet another person in violating the act's first prohibition, as described in the preceding sentence. (Sec. 2913.49(B) and (C).)

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

### **Penalty for a violation of the prohibitions**

A violation of either of the prohibitions is the offense of "taking the identity of another." Generally, the offense is a misdemeanor of the first degree. However, the offense is: (1) a felony of the fifth degree if the value of the credit, property, services, debt, or other legal obligation involved is \$500 or more and less than \$5,000, (2) a felony of the fourth degree if the value of the credit, property, services, debt, or other legal obligation involved is \$5,000 or more and less than \$100,000, and (3) a felony of the third degree if the value of the credit, property, services, debt, or other legal obligation involved is \$100,000 or more. (Sec. 2913.49(E).)

### **Determination of value involved of property, etc., involved in offense**

The act specifies that, in determining the degree of the offense as described in the preceding paragraph, the court may do either of the following, as applicable (sec. 2913.49(D)):

(1) In relation to violation of the first prohibition enacted in the act, if the violation occurs as part of a course of conduct involving other violations of that prohibition or involving the commission of, complicity in committing, a conspiracy to commit, or an attempt to commit a violation of the second offense in the act, petty theft, theft, grand theft, grand theft of a motor vehicle, aggravated theft, theft of drugs, unauthorized use of property, unauthorized use of computer property, passing bad checks, misuse of credit cards, forgery, tampering with records, securing writings by deception, falsification, falsification in a theft offense, or falsification to purchase a firearm, the court may aggregate all credit, property, or services obtained or sought to be obtained by the offender and all debts or other legal obligations avoided or sought to be avoided by the offender in the violations involved in that course of conduct. The course of conduct may involve one victim or more than one victim.

(2) In relation to violation of the second prohibition enacted in the act, if the violation occurs as part of a course of conduct involving other violations of that prohibition or involving the commission of, complicity in committing, a conspiracy to commit, or an attempt to commit the first prohibition enacted in the act, petty theft, theft, grand theft, grand theft of a motor vehicle, aggravated theft, theft of drugs, unauthorized use of property, unauthorized use of computer property, passing bad checks, misuse of credit cards, forgery, tampering with records, securing writings by deception, falsification, falsification in a theft offense, or falsification to purchase a firearm, the court may aggregate all credit, property, or services obtained or sought to be obtained by the person aided and abetted and all debts or other legal obligations avoided or sought to be avoided by

the person aided and abetted in the violations involved in that course of conduct. The course of conduct may involve one victim or more than one victim.

**Definitions**

The act provides that, as used in the above-described provisions, "personal identifying information" includes, but is not limited to, the following: the name, address, telephone number, driver's license, driver's license number, commercial driver's license, commercial driver's license number, state identification card, state identification card number, Social Security card, Social Security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, money market account number, mutual fund account number, other financial account number, personal identification number, password, or credit card number of a living or dead individual (sec. 2913.49(A)).

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-99	p. 26
Reported, S. Judiciary	02-17-99	p. 132
Passed Senate (33-0)	02-17-99	p. 136
Reported, H. Criminal Justice	04-21-99	p. 454
Passed House (95-0)	04-27-99	pp. 469-470
Senate concurred in House amendments (32-0)	04-29-99	pp. 358-359

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