



H.B. 309

124th General Assembly
(As Introduced)

Reps. Hughes, Calvert, Carmichael, Collier, Fessler, Goodman, Hoops, Latta, Lendrum, Olman, Reidelbach, Schaffer, Schmidt, G. Smith, Key, R. Miller

BILL SUMMARY

- Revises one of the prohibitions in the offense of "taking the identity of another" to prohibit a person, without the other person's consent and for any purpose, from using any unique personal identifying information of another person, living or dead, as if it is the person's own unique personal identifying information.

CONTENT AND OPERATION

Operation of the bill

The bill revises the first prohibition of the existing offense of "taking the identity of another" (see **Existing law** below). Under the bill, that prohibition prohibits a person, without the other person's consent and for any purpose, from using any unique personal identifying information of another person, living or dead, as if it is the person's own unique personal identifying information. As under existing law, a violation of this prohibition generally is a misdemeanor of the first degree and is a felony of a specified degree based on the value of the credit, property, services, debt, or other legal obligation involved in the violation. If that value is \$500 or more but less than \$5,000, it is a fifth degree felony; if it is \$5,000 or more but less than \$100,000, it is a fourth degree felony; and if it is \$100,000 or more, it is a third degree felony. (R.C. 2913.49(B) and (E).)

Existing law

Prohibitions

First prohibition. Existing law prohibits a person from obtaining, possessing, or using any personal identifying information of any living or dead

individual with the intent to fraudulently obtain credit, property, or services or avoid the payment of a debt or any other legal obligation.¹

Second prohibition. Existing law also 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 preceding prohibition. (R.C. 2913.49(B) and (C).)

Aggregation

If the violation of the first prohibition occurs as part of a course of conduct involving other violations of the first prohibition or violations of, attempts to commit a violation, conspiracies to commit a violation, or complicity in committing violations of the second prohibition or the offenses of petty theft, theft, grand theft, aggravated theft, theft from an elderly person or disabled adult, grand theft of a motor vehicle, or theft of drugs (R.C. 2913.02), unauthorized use of property or unauthorized use of computer or telecommunication property (R.C. 2913.04), passing bad checks (R.C. 2913.11), of misuse of credit cards (R.C. 2913.21), forgery or forging identification cards or selling or distributing forged identification cards (R.C. 2913.31), tampering with records (R.C. 2913.42), securing writings by deception (R.C. 2913.43), or falsification, falsification in a theft offense, or falsification to purchase a firearm (R.C. 2921.13), the court, in determining the degree of the offense, 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.

A parallel aggregation provision exists for the second prohibition. (R.C. 2913.49(D).)

Penalty

A person who violates either prohibition is guilty of "taking the identity of another." Except as otherwise provided in this paragraph, taking the identity of

¹ *"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 (R.C. 2913.49(A)).*

another is a misdemeanor of the first degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is \$500 or more and is less than \$5,000, taking the identity of another is a felony of the fifth degree. If that value is \$5,000 or more and is less than \$100,000, it is a felony of the fourth degree. If that value is \$100,000 or more, it is a felony of the third degree. (R.C. 2913.49(E).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	6-21-01	p. 707

h0309-i.124/kl

