

FIRST REGULAR SESSION

SENATE BILL NO. 538

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOLAN.

Read 1st time February 19, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1768S.011

AN ACT

To amend chapter 570, RSMo, by adding thereto two new sections relating to identity crimes, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 570, RSMo, is amended by adding thereto two new sections, to be known as sections 570.137 and 570.138, to read as follows:

570.137. 1. A person who knowingly obtains, possesses, or uses personal identifying information of another person, living or dead, without the consent of such person, with the intent to fraudulently represent that the person for the purposes of making financial or credit transactions in the other person's name, to obtain anything of value, benefit, or advantage, or for the purpose of avoiding legal consequences is guilty of a class C felony.

2. As used in this section, the term "identifying information" shall include, but not be limited to, the following:

- (1) Social Security numbers;**
- (2) Drivers license numbers;**
- (3) Checking account numbers;**
- (4) Savings account numbers;**
- (5) Credit card numbers;**
- (6) Debit card numbers;**
- (7) Personal identification number codes;**
- (8) Electronic identification numbers;**
- (9) Digital signatures;**

(10) Any other numbers or information that can be used to access a person's financial resource;

(11) Biometric data;

(12) Fingerprints;

(13) Passwords;

(14) Parent's legal surname prior to marriage.

3. It shall not be a violation of this section for a person to do any of the following:

(1) Lawfully obtain credit information in the course of a bona fide consumer or commercial transaction;

(2) Lawfully exercise, in good faith, a security interest or a right of offset by the creditor or financial institution;

(3) Lawfully comply, in good faith, with any warrant, court order, levy, garnishment, attachment, or other judicial or administrative order, decree, or directive, when any party is required to do so.

570.138. 1. It is unlawful for a person to sell, transfer, or purchase the identifying information of another person with the intent to commit financial identity fraud, or to assist another person in committing financial identity fraud as set forth in section 570.135.

2. A violation of this section is a class C felony.

Bill

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