

RÉSUMÉ DIGEST

ACT 401 (SB 50)

2018 Regular Session

Morrell

Prior law defined the crime of identity theft as the intentional use, possession, transfer, or attempted use, with fraudulent intent, by any person of any personal identifying information of another person to obtain, possess, or transfer, whether contemporaneously or not, credit, money, goods, services, or any thing else of value without the authorization or consent of the other person. New law retains prior law.

Prior law defined "personal identifying information" to include a person's:

- (a) Social security number.
- (b) Driver's license number.
- (c) Checking account number.
- (d) Savings account number.
- (e) Credit card number.
- (f) Debit card number.
- (g) Electronic identification number.
- (h) Digital signatures.
- (i) Birth certificate.
- (j) Date of birth.
- (k) Mother's maiden name.
- (l) Armed forces identification number.
- (m) Government issued identification number.
- (n) Financial institution account number.

New law retains prior law and adds to this list a person's telephone number, when the telephone number is inserted into any person's caller identification system.

New law defines "caller identification system" as any device that displays or otherwise indicates to the person who is the recipient of a telephone call another person's name, telephone number, the name of a legitimate or fictitious business, or any other name or telephone number from which the telephone call purportedly originated.

New law defines "insert" as entering by voice communication, by written communication, or by any other means.

Prior law provided penalties for the crime of identity theft based on the value of the credit, money, goods, services, or any thing else of value obtained, possessed, or transferred, and in certain instances also based on the age or infirmity of the victim. New law retains prior law.

Prior law provided that, in addition to these penalties, a person convicted of identity theft must make full restitution to the victim and any other person who has suffered a financial loss as a result of the offense. Prior law further provided that if a person ordered to make restitution pursuant to prior law is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court is to order a periodic payment plan consistent with the person's financial ability. New law retains prior law.

Prior law provided that the provisions of prior law do not apply to any person who obtains another's driver's license or other form of identification for the sole purpose of misrepresenting his age. New law retains prior law.

Prior law provided that any person who has learned or reasonably suspects that his personal identifying information has been unlawfully used by another in violation of prior law may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction over the area of his residence, and the law enforcement agency is to take a police report of the matter from the victim, provide the complainant with a copy of such report, and begin an investigation of the facts. Prior law further provided that if the crime was committed in a different jurisdiction, the agency preparing the report is to refer the matter to the local law enforcement agency having jurisdiction. Prior law further provided that any officer who investigates an alleged violation must make a written report of the investigation, and provide a copy of the report to the victim. New law retains prior law.

New law provides that nothing in prior law or new law precludes or abrogates any remedy otherwise provided by prior law, including but not limited to remedies available pursuant to present law prohibiting "caller ID spoofing".

Effective August 1, 2018.

(Amends R.S. 14:67.16(A)(2)(intro para) and 67.16(B); adds R.S. 14:67.16(A)(2)(o), (4), and (5) and (I))