

2018 Regular Session

SENATE BILL NO. 50

BY SENATORS MORRELL, BARROW, MILLS AND WHITE

CRIME/PUNISHMENT. Adds a person's telephone number when used for "caller ID spoofing" to the definition of "personal identifying information" for purposes of the crime of identity theft. (8/1/18)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 14:67.16(A)(2) and 67.16(B), and
3 to enact R.S. 14:67.16(A)(2)(o), (4), and (5) and (I), relative to the crime of identity
4 theft; to add a person's telephone number to the definition of "personal identifying
5 information" for purposes of the crime of identity theft; to provide definitions; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The introductory paragraph of R.S. 14:67.16(A)(2) and 67.16(B) are
9 hereby amended and reenacted and R.S. 14:67.16(A)(2)(o), (4), and (5) and (I) are hereby
10 enacted to read as follows:

11 §67.16. Identity theft

12 A. As used in this Section the following terms have the following meanings:

13 * * *

14 (2) "Personal identifying information" shall include but not be limited to ~~an~~
15 ~~individual's~~ **a person's**:

16 * * *

17 **(o) Telephone number, when inserted into any caller identification**

1 system.

2 * * *

3 **(4) "Caller identification system" means any device that displays or**
4 **otherwise indicates to the person who is the recipient of a telephone call another**
5 **person's name, telephone number, the name of a legitimate or fictitious**
6 **business, or any other name or telephone number from which the telephone call**
7 **purportedly originated.**

8 **(5) "Insert" means to enter by voice communication, by written**
9 **communication, or by any other means.**

10 B. Identity theft is the intentional use, or possession, or transfer, or attempted
11 use, with fraudulent intent, by any person of any personal identifying information of
12 another person to obtain, possess, or transfer, whether contemporaneously or not,
13 credit, money, goods, services, or any thing else of value without the authorization
14 or consent of the other person.

15 * * *

16 **I. Nothing in this Section shall preclude or abrogate any remedy**
17 **otherwise provided by law, including but not limited to remedies available**
18 **pursuant to R.S. 51:1741.1 et seq.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 50 Engrossed 2018 Regular Session Morrell

Present law defines 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.

Proposed law retains present law.

Present law defines "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.

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

Proposed 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.

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

Present law provides 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.

Proposed law retains present law.

Present law provides 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. Present law further provides that if a person ordered to make restitution pursuant to present 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.

Proposed law retains present law.

Present law provides that the provisions of present 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.

Proposed law retains present law.

Present law provides that any person who has learned or reasonably suspects that his personal identifying information has been unlawfully used by another in violation of present 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. Present law further provides 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. Present law further provides 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.

Proposed law retains present law.

Proposed law provides that nothing in present law or proposed law precludes or abrogates any remedy otherwise provided by present 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))