

## COMMITTEE BILL ANALYSIS

**Bill:** House Bill 714

**Printer's No.:** 805

**Sponsor:** Rep. Baker

**Prepared by:** Gregg Warner

**Synopsis:** This bill amends section 4120 of the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, relating to identity theft, increasing the grading by one degree if it is a theft of the identity of someone under 18 years of age.

**Summary:** Currently the grading for identity theft is enhanced by one degree if the victim of the offense is 60 years of age or older or a care-dependent person. This bill increases the grading by one degree if the victim is under 18 years of age.

**Effective date**

This act takes effect in 60 days.

**Background:** The House of Representatives passed House Bill 714 on May 15, 2013 by a vote of 196 to 0.

The sponsor explains, "According to the Federal Trade Commission, identity thieves steal the Social Security number of a child in order to obtain a credit card, secure a loan, or buy property. Further, according to the Federal Trade Commission, the Social Security number of a child is uniquely valuable to identity thieves because children lack a credit history. Often, the child and parent do not find out about the theft until the child becomes an adult and seeks employment or applies for a student loan or buys a car."

The criminal offense of identity theft is defined when a person "possesses or uses, through any means, identifying information of another person without the consent of that other person to further any unlawful purpose." 18 Pa.C.S. §4120(a)

Identity theft is a misdemeanor of the first degree if the total value involved is less than \$2,000. Identity theft is a felony of the third degree if the total value involved is \$2,000 or more. Regardless of the total value, a third or subsequent offense is a felony of the second degree. 18 Pa.C.S. §4120(c)

A misdemeanor of the first degree is punishable by imprisonment not exceeding five years or a fine not exceeding \$10,000, or both. A felony of the third degree is punishable by imprisonment not exceeding seven years or a fine not exceeding \$15,000, or both. A felony of the second degree is punishable by imprisonment not exceeding ten years or a fine not exceeding \$25,000, or both. 18 Pa.C.S. Ch. 11