

HOUSE BILL REPORT

SB 6686

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to identity theft.

Brief Description: Increasing penalties for identity theft in the first degree.

Sponsors: Senators Murray, Brandland, McCaslin, Hargrove, Oke, Roach, Benton and Rasmussen.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/24/04, 2/25/04 [DP].

Brief Summary of Bill

- Increases the penalty for identity theft in the first degree.
- Subjects a person to liability under the criminal profiteering act after a single act of identity theft.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Pearson and Veloria.

Staff: Jim Morishima (786-7191).

Background:

I. Identity Theft

A person is guilty of identity theft if he or she knowingly possesses, uses, or transfers a means of identification or financial information of another person, living or dead, with intent to commit, or to aid or abet, any crime.

If the person obtains an aggregate total of credit, money, goods, services, or anything else of value in excess of \$1,500, he or she is guilty of identity theft in the first degree.

Identity theft in the first degree is a class B felony with a seriousness level of IV. A first-time offender would therefore have a standard sentence range of three to nine months.

A person convicted of identity theft is also liable for civil damages of \$500 or actual damages, whichever is greater.

II. Criminal Profiteering

The Criminal Profiteering Act (CPA) prohibits certain acts relating to organized crime and criminal profiteering, including engaging in a pattern of criminal profiteering. A person engages in a pattern of criminal profiteering if he or she engages in at least three acts of criminal profiteering within a five year period. An act of criminal profiteering is the commission of certain enumerated crimes for financial gain; e.g., murder, kidnaping, forgery, and identity theft. The acts must have the same or similar intent, results, accomplices, principals, victims, methods of commission, or otherwise be interrelated by distinguishing characteristics including a nexus to the same enterprise.

A person who engages in a pattern of criminal profiteering may be subject to criminal liability, civil monetary penalties, injunctive relief, and civil forfeiture.

Summary of Bill:

I. Identity Theft

The seriousness level of identity theft in the first degree is increased from IV to VI. A first-time offender would therefore have a standard sentence range of six to 12 months.

II. Criminal Profiteering

A single act of identity theft in the first degree, regardless of whether the act was done for financial gain, subjects the perpetrator to liability under the CPA.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2004.

Testimony For: Identity theft is the fastest growing white collar crime. Punishment for identity theft is much less than other crimes like armed robbery. This bill will be a deterrent to identity theft. The provisions allowing asset forfeiture will help defray the

costs of this bill.

Testimony Against: None.

Persons Testifying: Senator Murray, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.