

# SENATE BILL REPORT

## SB 6686

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As Passed Senate, February 17, 2004

**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:** Judiciary: 2/5/04, 2/6/04 [DP, DNP].

Passed Senate: 2/17/04, 45-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Roach and Thibaudeau.

**Minority Report:** Do not pass.

Signed by Senator Kline.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Identity theft in the first degree is a class B felony ranked at level IV on the sentencing grid (three-nine months incarceration and/or a \$20,000 fine for a first offense). It is committed when a person knowingly obtains, uses, or transfers a means of identification or financial information of another person and obtains an aggregate total of credit, money, services, goods, or anything else of value in excess of \$1,500. The offender is also liable for civil damages of \$500 or actual damages, whichever is greater, including the costs to repair the victim's credit and reasonable attorney's fees.

Identity theft in the first or second degree are acts of criminal profiteering. If a person engages in three acts of criminal profiteering with the same or similar intent, results, or accomplices, it constitutes a pattern of criminal profiteering and the defendant may be subject to the provisions of the Criminal Profiteering Act. Single acts of leading organized crime, trafficking in persons, or using proceeds of criminal profiteering also may subject the defendant to the provisions of the act. An injured person, the Attorney General, or a prosecuting attorney can bring a suit for criminal profiteering whether or not the defendant has been convicted of the offense. The standard of proof under the act is proof by a preponderance of the evidence that he or she engaged in the criminal activity. Possible criminal profiteering penalties include treble actual damages, civil penalties of up to \$250,000, attorneys' fees and costs, restraining orders, and civil forfeiture.

**Summary of Bill:** The rank of identity theft in the first degree is raised from level IV to level VI on the sentencing grid (12+ to 14 months imprisonment and/or a \$20,000 fine for a first offense). A single act of identity theft in the first degree may result in an action under the Criminal Profiteering Act.

**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 2004.

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

**Testimony For:** Identity theft is a growing crime and it needs to be treated more seriously even if it costs money. Taxpayers pay a very high price when they are victims of this crime.

**Testimony Against:** None.

**Testified:** PRO: Senator Murray, prime sponsor.