

# SENATE BILL REPORT

## HB 1966

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As Reported By Senate Committee On:  
Judiciary, February 23, 2006

**Title:** An act relating to classifying identity theft as a crime against persons.

**Brief Description:** Classifying identity theft as a crime against persons.

**Sponsors:** Representatives Ericks, O'Brien, Lovick, Strow, Haler, Takko, Morrell, Nixon, Campbell, McIntire, Conway, Santos, Chase and Moeller.

**Brief History:** Passed House: 1/13/06, 96-0.

**Committee Activity:** Judiciary: 2/23/06 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

**Staff:** Lidia Mori (786-7755)

**Background:** Identity theft in the first degree is a class B felony, with a seriousness level of IV on the adult sentencing grid. Identity theft in the first degree is committed when a person knowingly: (1) obtains, possesses, uses, or transfers a means of identification or financial information of another person, living or dead, with the intent to commit, or to aid or abet, any crime; and (2) obtains an aggregate total of credit, money, goods, services, or anything else of value in excess of \$1,500 in value.

Identity theft in the second degree is a class C felony, with a seriousness level of II on the adult sentencing grid. Identity theft in the second degree is committed when a person knowingly: (1) obtains, possesses, uses, or transfers a means of identification or financial information of another person, living or dead, with the intent to commit, or to aid or abet, any crime; and (2) obtains an aggregate total of credit, money, goods, services, or anything else of value of less than \$1,500; or when no credit, money, goods, services, or anything of value is obtained.

Identity theft in the first or second degree is not currently designated by statute as either a crime against persons or a property crime.

In addition to classifying crimes as class A, class B, or class C felonies, crimes can be further designated by statute as crimes against persons or crimes against property. If a crime is designated as a crime against persons, additional restrictions can be imposed on the convicted person at sentencing. A person who is convicted of a crime against persons is subject, upon release from custody, to community placement, community supervision, or community custody under various conditions. A person convicted of a crime against persons cannot

qualify to earn more than 33 percent of their sentence as earned early release time. Those persons convicted of property crimes can earn up to 50 percent of their sentence as earned early release time.

**Summary of Bill:** The crimes of identity theft in the first and second degree are categorized as "crimes against persons" within the prosecuting standards and guidelines section of the SRA.

Effectively, offenders with a current or prior identity theft conviction would no longer qualify for up to 50 percent early release time, and would instead qualify for up to 33 percent. Also, offenders with current or prior identity theft convictions would be more likely to be under community supervision after release from prison or jail.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.