

1 **H. B. 2291**

2
3 (By Delegate Barker)

4 [Introduced January 12, 2011; referred to the
5 Committee on the Judiciary.]

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10 A BILL to amend and reenact §61-3-54 of the Code of West Virginia,
11 1931, as amended, relating to amending the crime of identity
12 theft to provide that it is a felony if a person commits the
13 crime with the intent to commit any other crime.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §61-3-54 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 3. CRIMES AGAINST PROPERTY.**

18 **§61-3-54. Taking identity of another person; penalty.**

19 Any person who knowingly takes the name, birth date, social
20 security number or other identifying information of another person,
21 without the consent of that other person, with the intent to
22 fraudulently represent that he or she is the other person for the
23 purpose of making financial or credit transactions in the other

1 person's name, or with the intent to commit any crime, is guilty of
2 a felony and, upon conviction, shall be punished by confinement in
3 ~~the penitentiary~~ a state correctional facility not less than one
4 nor more than five years, ~~or~~ and fined not more than \$1,000. ~~or~~
5 ~~both~~ In the event a person is convicted a second or subsequent
6 time under the provisions of this section, he or she shall be
7 punished by confinement in a correctional facility for no less than
8 three nor more than ten years, and fined no less than \$1,000 nor
9 more than \$5,000. ~~Provided, That~~ The provisions of this section do
10 not apply to any person who obtains another person's driver's
11 license or other form of identification for the sole purpose of
12 misrepresenting his or her age.

NOTE: The purpose of this bill is to amend the crime of identity theft to provide that it is a felony if a person commits the crime with the intent to commit any other crime. Current statutory language limits the felony to persons who commit the crime with the intent to fraudulently represent themselves as another person for purposes of making credit or financial transactions.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.