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HOUSE BILL 178

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Judy Vanderstar Russell

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE
KNOWN AS THEFT OF IDENTITY; PRESCRIBING PENALTIES; ENACTING A
NEW SECTION OF THE CRIMINAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Criminal Code is
enacted to read:

"[NEW MATERIAL] THEFT OF IDENTITY.--

A. Theft of identity consists of willfully
obtaining personal identifying information of another person
with the intent to injure or defraud and using that
information without the authorization or consent of that
person.

B. As used in this section, "personal identifying
information" means a person's name, address, telephone
number, driver's license number, social security number,

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1 place of employment, employee identification number, demand
2 deposit account number, checking or savings account number,
3 charge account number, credit card or debit card number or
4 the maiden name of the person's mother.

5 C. Whoever commits theft of identity when there is
6 no direct financial impact on the person who did not
7 authorize use of personal identifying information is guilty
8 of a misdemeanor.

9 D. Whoever commits theft of identity when the
10 person uses the personal identifying information of another
11 person to obtain money, credit, goods, services or anything
12 of value in the name of that other person and the value is
13 one thousand dollars (\$1,000) or less is guilty of a
14 misdemeanor.

15 E. Whoever commits theft of identity when the
16 person uses the personal identifying information of another
17 person to obtain money, credit, goods, services or anything
18 of value in the name of that other person and the value is
19 over one thousand dollars (\$1,000) but not more than two
20 thousand five hundred dollars (\$2,500) is guilty of a fourth
21 degree felony.

22 F. Whoever commits theft of identity when the
23 person uses the personal identifying information of another
24 person to obtain money, credit, goods, services or anything
25 of value in the name of that other person and the value is
over two thousand five hundred dollars (\$2,500) but not more
than twenty thousand dollars (\$20,000) is guilty of a third

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1 degree felony.

2 G. Whoever commits theft of identity when the
3 person uses the personal identifying information of another
4 person to obtain money, credit, goods, services or anything
5 of value in the name of that other person and the value is
6 over twenty thousand dollars (\$20,000) is guilty of a second
7 degree felony."

8 Section 2. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2000.