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**HOUSE BILL 347**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Rhonda S. King**

**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  
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, place of**

**. 135376. 1**

underscored material = new  
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1 employment, employee identification number, demand deposit,  
2 account number, checking or savings account number, charge  
3 account number, credit card number or the maiden name of the  
4 person's mother, when that information is misappropriated with  
5 the intent to injure or defraud.

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

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

underscored material = new  
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1 two thousand five hundred dollars (\$2,500) but not more than  
2 twenty thousand dollars (\$20,000) is guilty of a third degree  
3 felony.

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

10 Section 2. EFFECTIVE DATE. --The effective date of the  
11 provisions of this act is July 1, 2001.