

720 Marshall Revised Statutes, Article 1301, Financial identity theft.

§ 1301.1. Short title. This Article may be cited as the Financial Identity Theft and Asset Forfeiture Law.

§ 1301.2. Legislative declaration.

(a) It is the public policy of this State that the substantial burden placed upon the economy of this State as a result of the rising incidence of financial identity theft and the negative effect of this crime on the People of this State and its victims is a matter of grave concern to the People of this State who have the right to be protected in their health, safety, and welfare from the effects of this crime, and therefore financial identity theft shall be identified and dealt with swiftly and appropriately considering the onerous nature of the crime.

(b) The widespread availability and unauthorized access to personal identification information have led and will lead to a substantial increase in identity theft related crimes.

§ 1301.3. Financial Identity Theft.

(a) A person commits the offense of financial identity theft when he or she knowingly uses any personal identifying information or personal identification documents of another person to fraudulently obtain credit, money, goods, services, or other property in the name of the other person.

(b) Knowingly shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of financial identity theft of credit, money, goods, services, or other property exceeding a specified value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as wither exceeding or not exceeding the specified value.

(d) Sentence.

(A) [\$300.00 or less: Misdemeanor sentence].

(B) Financial identity theft of credit, money, goods, services, or other property exceeding \$300.00 but not exceeding \$2,000, is a class 4 felony.

(C) [Over \$2,000.00, a class 3 felony]

Section 1301.10. Definitions. In this Article unless the context otherwise requires:

(a) "Personal identification document" means a birth certificate, a drivers license, a State identification card, a public, government, or private employment identification card, a social security card, a firearm owner's identification card, a credit card, a debit card, or a passport issued to or on behalf of a person other than the offender, or any such document made or altered in a manner that it purports to have been made on behalf of or issued to another person or by the authority of one who did not give that authority.

(b) "Personal identifying information" means any of the following information:

- (1) A person's name;**
- (2) A person's address;**
- (3) A person's telephone number;**
- (4) A person's drivers license number or State of Illinois identification card as assigned by the Secretary of State of the State of Illinois or a similar agency of another state;**
- (5) A person's Social Security number;**
- (6) A person's public, private, or government employer, place of employment, or employment identification number;**
- (7) The maiden name of a person's mother;**
- (8) The number assigned to a person's depository account, savings account, or brokerage account;**
- (9) The number assigned to a person's credit or debit card, commonly known as a "Visa Card", "Master Card", "American Express Card", "Discover Card", or other similar cards whether issued by a financial institution, corporation, or business entity;**
- (10) Personal identification numbers;**
- (11) Electronic identification numbers;**
- (12) Digital signals;**
- (13) Any other numbers or information which can be used to access a person's financial resources.**