

1 SB489
2 131578-1
3 By Senator Bedford
4 RFD: Judiciary
5 First Read: 24-MAY-11

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8 SYNOPSIS: Under existing law, the crime of identity
9 theft is a Class C felony.

10 This bill would expand the definition of
11 identity theft to include obtaining the identity of
12 another for the purpose of gaining employment and
13 would make the crime of identity theft a Class B
14 felony.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 To amend Section 13A-8-192, Code of Alabama 1975, to
14 make the crime of identity theft a Class B felony; to expand
15 the definition of identity theft to include obtaining the
16 identity of another for the purpose of gaining employment; and
17 in connection therewith would have as its purpose or effect
18 the requirement of a new or increased expenditure of local
19 funds within the meaning of Amendment 621 of the Constitution
20 of Alabama of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of Alabama of 1901,
22 as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 13A-8-192, Code of Alabama 1975,
25 is amended to read as follows:

26 "§13A-8-192.

1 (a) A person commits the crime of identity theft if,
2 without the authorization, consent, or permission of the
3 victim, and with the intent to defraud for his or her own
4 benefit or the benefit of a third person, he or she does any
5 of the following:

6 "(1) Obtains, records, or accesses identifying
7 information that would assist in accessing financial
8 resources, obtaining identification documents, or obtaining
9 benefits of the victim.

10 "(2) Obtains goods or services through the use of
11 identifying information of the victim.

12 "(3) Obtains identification documents in the
13 victim's name.

14 "(4) Obtains employment through the use of
15 identifying information of the victim.

16 "(b) Identity theft is a Class C B felony.

17 "(c) This section shall not apply when a person
18 obtains the identity of another person to misrepresent his or
19 her age for the sole purpose of obtaining alcoholic beverages,
20 tobacco, or another privilege denied to minors.

21 "(d) Any prosecution brought pursuant to this
22 article shall be commenced within seven years after the
23 commission of the offense."

24 Section 2. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of
2 the Constitution of Alabama of 1901, as amended, because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

5 Section 3. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.