

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 280 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H2/3/05 H2/4/05

A Bill

HOUSE BILL 1354

5 By: Representative D. Johnson  
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8 **For An Act To Be Entitled**

9 AN ACT TO CLARIFY THAT THE OFFENSE OF FINANCIAL  
10 IDENTITY FRAUD PERTAINS TO THE USE OF IDENTIFYING  
11 INFORMATION TO OPEN OR CREATE AN ACCOUNT OR  
12 FINANCIAL RESOURCE; AND FOR OTHER PURPOSES.  
13

14 **Subtitle**

15 AN ACT TO CLARIFY THAT THE OFFENSE OF  
16 FINANCIAL IDENTITY FRAUD PERTAINS TO THE  
17 USE OF IDENTIFYING INFORMATION TO OPEN  
18 OR CREATE AN ACCOUNT OR FINANCIAL  
19 RESOURCE.  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 5-37-227 is amended to read as follows:  
25 5-37-227. Financial identity fraud.

26 (a)(1) A person commits financial identity fraud if, with the intent  
27 ~~to unlawfully appropriate financial resources of another person to create,~~  
28 obtain, or open a credit account, debit account, or other financial resource  
29 for his or her own use benefit or to for the use benefit of a third party,  
30 ~~and without the authorization of that person,~~ he or she accesses, obtains,  
31 records, or submits to a financial institution another person's identifying  
32 information for the purpose of opening or creating a credit account, debit  
33 account, or financial resource without the authorization of the person  
34 identified by the information.†

35 ~~(A) Obtains or records identifying information that would~~



1 ~~assist in accessing the financial resources of the other person; or~~  
2 ~~(B) Accesses or attempts to access the financial resources~~  
3 ~~of the other person through the use of the identifying information, as~~  
4 ~~defined in subdivision (a)(2) of this section.~~

5 (2) "Financial institution", as used in this section, includes,  
6 but is not limited to, a credit card company, bank, or any other type of  
7 lending or credit company or institution.

8 (3) "Financial resource", as used in this section, includes, but  
9 is not limited to, a credit card, debit card, or any other type of line of  
10 credit or loan.

11 (4) "Identifying information", as used in this section,  
12 includes, but is not limited to:

- 13 (A) Social security numbers;
- 14 (B) Driver's license numbers;
- 15 (C) Checking account numbers;
- 16 (D) Savings account numbers;
- 17 (E) Credit card numbers;
- 18 (F) Debit card numbers;
- 19 (G) Personal identification numbers;
- 20 (H) Electronic identification numbers;
- 21 (I) Digital signatures; or
- 22 (J) Any other numbers or information that can be used to

23 access a person's financial resources.

24 (b) The provisions of this section do not apply to any person who  
25 obtains another person's driver's license or other form of identification for  
26 the sole purpose of misrepresenting his or her age.

27 (c) Financial identity fraud is a Class D C felony.

28 (d)(1) A violation of this section shall constitute an unfair or  
29 deceptive act or practice as defined by the Deceptive Trade Practices Act, §  
30 4-88-101 et seq.

31 (2) All remedies, penalties, and authority granted to the  
32 Attorney General or other persons under the Deceptive Trade Practices Act, §  
33 4-88-101 et seq., shall be available to the Attorney General or other persons  
34 for the enforcement of this section.

35  
36 /s/ D. Johnson

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*APPROVED: 02/24/2005*