

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: H2/12/99

# A Bill

Act 568 of 1999  
HOUSE BILL 1167

5 By: Representatives Minton, Bledsoe, Womack, Lynn  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE TITLE 5, CHAPTER 37,  
10 SUBCHAPTER 2, CONCERNING FRAUDULENT PRACTICES, TO ADD  
11 A NEW SECTION TO PRESCRIBE THE CRIMINAL OFFENSE OF  
12 *FINANCIAL IDENTITY FRAUD* AND TO SET PENALTIES FOR THE  
13 OFFENSE; AND FOR OTHER PURPOSES. "  
14

## Subtitle

15 "TO AMEND THE ARKANSAS CRIMINAL CODE TO  
16 ADD A NEW CRIMINAL OFFENSE OF *FINANCIAL*  
17 *IDENTITY FRAUD*. "  
18  
19  
20

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

23 SECTION 1. Arkansas Code Title 5, Chapter 37, Subchapter 2 is amended  
24 by adding the following section to be appropriately numbered by the Arkansas  
25 Code Revision Commission:

26 *Financial Identity Fraud.*

27 *(a) A person commits financial identity fraud if, with the intent to*  
28 *unlawfully appropriate financial resources of another person to his or her own*  
29 *use or to the use of a third party, and without the authorization of that*  
30 *person, he or she:*

31 *(1) Obtains or records identifying information that would assist*  
32 *in accessing the financial resources of the other person; or*

33 *(2) Accesses or attempts to access the financial resources of the*  
34 *other person through the use of the identifying information, as defined in*  
35 *subsection (b) of this section.*

36 *(b) 'Identifying information' as used in this section, includes, but is*

1 not limited to, social security numbers, driver's license numbers, checking  
2 account numbers, savings account numbers, credit card numbers, debit card  
3 numbers, personal identification numbers, electronic identification numbers,  
4 digital signatures, or any other numbers or information that can be used to  
5 access a person's financial resources.

6 (c) The provisions of this section do not apply to any person who  
7 obtains another person's drivers license or other form of identification for  
8 the sole purpose of misrepresenting his or her age.

9 (d) Financial identity fraud is a Class D felony.

10 (e) A violation of this section shall constitute an unfair or deceptive  
11 act or practice as defined by the Deceptive Trade Practices Act, beginning at  
12 Arkansas Code § 4-88-101. All remedies, penalties, and authority granted  
13 thereunder to the Attorney General or other persons under the Deceptive Trade  
14 Practices Act shall be available to the Attorney General or other persons for  
15 the enforcement of this section."

16 SECTION 2. All provisions of this act of a general and permanent nature  
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
18 Revision Commission shall incorporate the same in the Code.

20 SECTION 3. If any provision of this act or the application thereof to  
21 any person or circumstance is held invalid, such invalidity shall not affect  
22 other provisions or applications of the act which can be given effect without  
23 the invalid provision or application, and to this end the provisions of this  
24 act are declared to be severable.

26 SECTION 4. All laws and parts of laws in conflict with this act are  
27 hereby repealed.

28 /s/ Minton, et al

31 APPROVED: 3/15/1999