

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.

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

A Bill

HOUSE BILL 1354

4
5 By: Representative D. Johnson
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For An Act To Be Entitled

8
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.
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Subtitle

14
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
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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 or
28 open a credit account, debit account, or other financial resource for his or
29 her own use benefit or to for the use benefit of a third party, and without
30 the authorization of that person, he or she submits to a financial
31 institution another person's identifying information for the purpose of
32 opening or creating a credit account, debit account, or financial resource
33 without the authorization of the person identified by the information.+

34 (A) ~~Obtains or records identifying information that would~~
35 ~~assist in accessing the financial resources of the other person; or~~

36 (B) ~~Accesses or attempts to access the financial resources~~



~~of the other person through the use of the identifying information, as defined in subdivision (a)(2) of this section.~~

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

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

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

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

access a person's financial resources.

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

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

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

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