

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.

State of Arkansas
85th General Assembly
Regular Session, 2005

As Engrossed: H2/3/05

A Bill

HOUSE BILL 1354

By: Representative D. Johnson

For An Act To Be Entitled

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

Subtitle

AN ACT TO CLARIFY THAT THE OFFENSE OF
FINANCIAL IDENTITY FRAUD PERTAINS TO THE
USE OF IDENTIFYING INFORMATION TO OPEN
OR CREATE AN ACCOUNT OR FINANCIAL
RESOURCE.

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

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

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

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



~~(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.

/s/ D. Johnson