CHAPTER 159

HOUSE BILL 2639

AN ACT

AMENDING SECTIONS 13-2008 AND 13-2009, ARIZONA REVISED STATUTES; RELATING TO
IDENTITY THEFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-2008, Arizona Revised Statutes, is amended to read:

13-2008. Taking identity of another person or entity; classification

A. A person commits taking the identity of another person or entity if the person knowingly takes, purchases, manufactures, records, possesses or uses any personal identifying information or entity identifying information of another person or entity, including a real or fictitious person or entity, without the consent of that other person or entity, with the intent to obtain or use the other person's or entity's identity for any unlawful purpose or to cause loss to a person or entity whether or not the person or entity actually suffers any economic loss as a result of the offense, or with the intent to obtain or continue employment.

B. A person commits knowingly accepting the identity of another person if the person, in hiring an employee, knowingly does both of the following:

1. Accepts any personal identifying information of another person from an individual and knows that the individual is not the actual person identified by that information.

2. Uses that identity information for the purpose of determining whether the individual who presented that identity information has the legal right or authorization under federal law to work in the United States as described and determined under the processes and procedures under 8 United States Code section 1324a.

C. On the request of a person or entity, a peace officer in any jurisdiction in which an element of an offense under this section is committed, a result of an offense under this section occurs or the person or entity whose identity is taken or accepted resides or is located shall take a report. The peace officer may provide a copy of the report to any other law enforcement agency that is located in a jurisdiction in which a violation of this section occurred.

D. If a defendant is alleged to have committed multiple violations of this section within the same county, the prosecutor may file a complaint charging all of the violations and any related charges under other sections that have not been previously filed in any precinct in which a violation is alleged to have occurred. If a defendant is alleged to have committed multiple violations of this section within the state, the prosecutor may file a complaint charging all of the violations and any related charges under other sections that have not been previously filed in any county in which a violation is alleged to have occurred.

E. This section does not apply to a violation of section 4-241 by a person who is under twenty-one years of age.

F. Taking the identity of another person or entity or knowingly accepting the identity of another person is a class 4 felony.
Sec. 2. Section 13-2009, Arizona Revised Statutes, is amended to read:

13-2009. Aggravated taking identity of another person or entity; knowingly accepting the identity of another person; classification

A. A person commits aggravated taking the identity of another person or entity if the person knowingly takes, purchases, manufactures, records, possesses or uses any personal identifying information or entity identifying information of either:

1. Three or more other persons or entities, including real or fictitious persons or entities, without the consent of the other persons or entities, with the intent to obtain or use the other persons' or entities' identities for any unlawful purpose or to cause loss to the persons or entities whether or not the persons or entities actually suffer any economic loss.

2. Another person or entity, including a real or fictitious person or entity, without the consent of that other person or entity, with the intent to obtain or use the other person's or entity's identity for any unlawful purpose and causes another person or entity to suffer an economic loss of three ONE thousand dollars or more.

3. Another person, including a real or fictitious person, with the intent to obtain employment.

B. A person commits knowingly accepting the identity of another person if the person, in hiring an employee, knowingly does both of the following:

1. Accepts any personal identifying information of another person from an individual and knows that the individual is not the actual person identified by that information.

2. Uses that identity information for the purpose of determining whether the individual who presented that identity information has the legal right or authorization under federal law to work in the United States as described and determined under the processes and procedures under 8 United States Code Section 1324a.

C. In an action for aggravated taking the identity of another person or entity under subsection A, paragraph 1 of this section, proof of possession out of the regular course of business of the personal identifying information or entity identifying information of three or more other persons or entities may give rise to an inference that the personal identifying information or entity identifying information of the three or more other persons or entities was possessed for an unlawful purpose.

D. This section does not apply to a violation of section 4-241 by a person who is under twenty-one years of age.

E. Aggravated taking the identity of another person or entity OR KNOWINGLY ACCEPTING THE IDENTITY OF ANOTHER PERSON is a class 3 felony.
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APPROVED BY THE GOVERNOR APRIL 22, 2014.