

A bill for an act
relating to crimes; defining identity theft to include posing as another person for
purposes of harassing or defaming; amending Minnesota Statutes 2006, section
609.527, subdivisions 1, 2, 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 609.527, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
meanings given them in this subdivision.

(b) "Direct victim" means any person or entity described in section 611A.01,
paragraph (b), whose identity has been transferred, used, or possessed in violation of
this section.

(c) "False pretense" means any false, fictitious, misleading, or fraudulent information
or pretense or pretext depicting or including or deceptively similar to the name, logo, Web
site address, e-mail address, postal address, telephone number, or any other identifying
information of a for-profit or not-for-profit business or organization or of a government
agency, to which the user has no legitimate claim of right.

(d) "Identity" means any name, number, or data transmission that may be used, alone
or in conjunction with any other information, to identify a specific individual or entity,
including any of the following:

(1) a name, Social Security number, date of birth, official government-issued driver's
license or identification number, government passport number, or employer or taxpayer
identification number;

(2) unique electronic identification number, address, account number, or routing
code; or

(3) telecommunication identification information or access device.

(e) "Indirect victim" means any person or entity described in section 611A.01, paragraph (b), other than a direct victim.

(f) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause (3), and expenses incurred by a direct or indirect victim as a result of a violation of this section.

(g) "Unlawful activity" means:

(1) any felony violation of the laws of this state or any felony violation of a similar law of another state or the United States; and

(2) any nonfelony violation of the laws of this state involving theft, theft by swindle, forgery, fraud, or giving false information to a public official, or any nonfelony violation of a similar law of another state or the United States.

(h) "Harass" has the meaning provided in section 609.749, subdivision 1.

(i) "Defame" has the meaning provided in section 609.765, subdivision 1.

(j) "Pose" means to falsely represent oneself, directly or indirectly, as another person or persons.

Sec. 2. Minnesota Statutes 2006, section 609.527, subdivision 2, is amended to read:

Subd. 2. **Crime.** (a) A person who transfers, possesses, or uses an identity that is not the person's own, with the intent to commit, aid, or abet any unlawful activity is guilty of identity theft and may be punished as provided in subdivision 3.

(b) A person who poses without the express authorization of that person or persons with the intent to harass or defame that person or another person is guilty of identity theft and may be punished as provided in subdivision 3.

Sec. 3. Minnesota Statutes 2006, section 609.527, subdivision 3, is amended to read:

Subd. 3. **Penalties.** A person who violates subdivision 2 may be sentenced as follows:

(1) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is \$250 or less, the person may be sentenced as provided in section 609.52, subdivision 3, clause (5);

(2) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is more than \$250 but not more than \$500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (4);

(3) if the offense involves two or three direct victims or the total, combined loss to the direct and indirect victims is more than \$500 but not more than \$2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (3);

(4) if the offense involves more than three but not more than seven direct victims, or if the total combined loss to the direct and indirect victims is more than \$2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (2); ~~and~~

(5) if the offense involves eight or more direct victims; or if the total, combined loss to the direct and indirect victims is more than \$35,000; or if the offense is related to possession or distribution of pornographic work in violation of section 617.246 or 617.247; the person may be sentenced as provided in section 609.52, subdivision 3, clause (1); and

(6) if the offense is a violation of subdivision 2, paragraph (b), the person may be sentenced as provided in section 609.52, subdivision 3, clause (2).

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective August 1, 2007, and apply to crimes committed on or after that date.