

IDENTITY THEFT: STATUTE OF LIMITATIONS

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Senate Bill 803 as passed by the Senate
Sponsor: Sen. Alan L. Cropsey
House Committee: Criminal Justice
Senate Committee: Judiciary
Complete to 9-14-04

A SUMMARY OF SENATE BILL 803 AS PASSED BY THE SENATE

The bill would amend the Code of Criminal Procedure to extend the period of limitations for identity theft, when a previously unidentified person who provided evidence was identified. ("Identity theft" would mean that term as defined in the "Identity Theft Protection Act", proposed by Senate Bill 792.)

Under the Code, an indictment must be found and filed within six years after an offense is committed (except as provided for particular offenses).

The bill specifies that an indictment for identity theft or attempted identity theft could be found and filed within six years after the offense was committed. If evidence of an identity theft violation were determined to be from an unidentified individual, however, an indictment could be found and filed at any time after the offense was committed, but not more than six years after the individual was identified. "Identified" would mean that the individual's legal name was known.

(Under Senate Bill 792, "identity theft" would mean any unauthorized use of another person's personal identifying information to obtain credit, goods, services, money, property, or employment to commit any illegal act. "Personal identifying information" would mean a person's name, address, telephone number, driver's license number, Social Security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, credit card number, or medical records or information.)

MCL 767.24

FISCAL IMPACT:

By extending the statute of limitations on identity theft violations, the bill could enable more convictions to be obtained for those violations, with accompanying costs for the state and local units of government, depending on the numbers of convictions and the penalties imposed. If additional penal fine revenues were collected, those revenues would go to local libraries.

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