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H.783

Introduced by Representatives Fiske of Enosburgh, Beck of St. Johnsbury,
Cupoli of Rutland City, Dakin of Chester, Dame of Essex,
Dickinson of St. Albans Town, Evans of Essex, Hebert of
Vernon, LaClair of Barre Town, Pearce of Richford, Savage of
Swanton, Shaw of Pittsford, Van Wyck of Ferrisburgh, and
Walz of Barre City

Referred to Committee on

Date:

Subject: Crimes; identity theft; adults and minors

Statement of purpose of bill as introduced: This bill proposes to establish the
circumstances under which an adult's use of a minor's name to create an
Internet website account without the minor's consent constitutes identity theft.

An act relating to the unconsented use of a minor's name by an adult to
create an Internet website account

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 13 V.S.A. § 2030 is amended to read:

3 § 2030. IDENTITY THEFT

4 (a)(1) No person shall obtain, produce, possess, use, sell, give, or transfer
5 personal identifying information belonging or pertaining to another person
6 with intent to use the information to commit a misdemeanor or a felony.

7 (2) No person 18 years of age or older shall obtain, produce, possess,
8 use, sell, give, or transfer personal identifying information belonging or
9 pertaining to another person under 18 years of age and use the information to
10 create an Internet website account:

11 (A) in the name of the person under 18 years of age;

12 (B) without the consent of the person under 18 years of age; and

13 (C) for the purpose of concealing the name of the person 18 years of
14 age or older while accessing information or a website that is restricted to
15 adults.

16 * * *

17 (c) For the purposes of this section, “personal identifying information”
18 includes name, address, birth date, Social Security number, motor vehicle
19 personal identification number, telephone number, financial services account
20 number, savings account number, checking account number, credit card
21 number, debit card number, picture, identification document or false

1 identification document, electronic identification number, educational record,
2 health care record, financial record, credit record, employment record, e-mail
3 address, computer system password, or mother's maiden name, or similar
4 personal number, record, or information.

5 (d) This section shall not apply when a person obtains the personal
6 identifying information belonging or pertaining to another person to
7 misrepresent the person's age for the sole purpose of obtaining alcoholic
8 beverages, tobacco, or another privilege denied based on age.

9 (e) It shall be an affirmative defense to an action brought pursuant to this
10 section, to be proven by a preponderance of the evidence, that the person had
11 the consent of the person to whom the personal identifying information relates
12 or pertains.

13 (f)(1) A person who violates subdivision (a)(1) or subsection (b) of this
14 section shall be imprisoned for not more than three years or fined not more
15 \$5,000.00, or both. A person who is convicted of a second or subsequent
16 violation of subdivision (a)(1) or subsection (b) of this section involving a
17 separate scheme shall be imprisoned for not more than 10 years or fined not
18 more than \$10,000.00, or both.

19 (2) A person who violates subdivision (a)(2) of this section shall be
20 imprisoned for not more than one year or fined not more \$1,000.00, or both.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on passage.