AN ACT concerning crimes and punishment; relating to identity theft;
amending Section 177 of chapter 136 of the 2010 Session Laws of
Kansas and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Section 177 of chapter 136 of the 2010 Session Laws of
Kansas is hereby amended to read as follows: Sec. 177. (a) Identity theft
is obtaining, possessing, transferring, using, selling or purchasing any
personal identifying information, or document containing the same,
belonging to or issued to another person, with the intent to defraud that
person, or anyone else, in order to receive any benefit.

   (b) Identity fraud is:

      (1) Using or supplying information the person knows to be false in
order to obtain a document containing any personal identifying
information; or

      (2) Altering, amending, counterfeiting, making, manufacturing or
otherwise replicating any document containing personal identifying
information with the intent to deceive;

   (c) (1) Identity theft is a:

      (A) Severity level 8, nonperson person felony, except as provided in
subsection (c)(1)(B); and

      (B) is a severity level 5, nonperson person felony if the monetary
loss to the victim or victims is more than $100,000.

   (2) Identity fraud is a severity level 8, nonperson person felony.

   (d) It is not a defense that the person did not know that such personal
identifying information belongs to another person, or that the person to
whom such personal identifying information belongs or was issued is
deceased.

   (e) As used in this section, "personal identifying information"
includes, but is not limited to, the following:

      (1) Name;

      (2) Birth date;

      (3) Address;

      (4) Telephone number;

      (5) Driver's license number or card or nondriver's identification
number or card;
(6) social security number or card;
(7) place of employment;
(8) employee identification numbers or other personal identification numbers or cards;
(9) mother's maiden name;
(10) birth, death or marriage certificates;
(11) electronic identification numbers;
(12) electronic signatures; and
(13) any financial number, or password that can be used to access a person's financial resources, including, but not limited to, checking or savings accounts, credit or debit card information, demand deposit or medical information.

Sec. 2. Section 177 of chapter 136 of the 2010 Session Laws of Kansas is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.