

## House Substitute for SENATE BILL No. 388

By Committee on Judiciary

3-24

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9 AN ACT concerning crimes and punishment; relating to identity theft;  
10 amending K.S.A. 2003 Supp. 21-4018 and repealing the existing  
11 section.

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

14 Section 1. K.S.A. 2003 Supp. 21-4018 is hereby amended to read as  
15 follows: 21-4018. (a) Identity theft is knowingly and ~~with intent to defraud~~  
16 ~~for economic benefit~~, *without authorization* obtaining, possessing, trans-  
17 ferring, using or attempting to obtain, possess, transfer or use, one or  
18 more identification documents or personal identification number of an-  
19 other person other than that issued lawfully for the use of the possessor  
20 *with the intent to:*

21 (1) *Defraud;*

22 (2) *harass;*

23 (3) *affect the credit worthiness of such person; or*

24 (4) *enter, remain or gain employment illegally in the United States.*

25 (b) "Identification documents" means the definition as provided in  
26 K.S.A. 21-3830, and amendments thereto.

27 (c) Identity theft is a severity level 7, person felony.

28 (d) *The conduct prohibited in subsection (a) does not apply to:*

29 (1) *A person less than 21 years of age who uses the identification*  
30 *documents of another person to acquire an alcoholic beverage, as defined*  
31 *in K.S.A. 8-1599, and amendments thereto;*

32 (2) *a person less than 18 years of age who uses the identification*  
33 *documents of another person to acquire:*

34 (A) *Cigarettes or tobacco products as defined in K.S.A. 79-3301, and*  
35 *amendments thereto;*

36 (B) *a periodical, a videotape or other communication medium that*  
37 *contains or depicts nudity;*

38 (C) *admittance to a performance, live or film, that prohibits the at-*  
39 *tendance of the person based on age; or*

40 (D) *an item that is prohibited by law for use or consumption by such*  
41 *person.*

42 ~~(d)~~ (e) This section shall be part of and supplemental to the Kansas  
43 criminal code.

- 1     Sec. 2. K.S.A. 2003 Supp. 21-4018 is hereby repealed.
- 2     Sec. 3. This act shall take effect and be in force from and after its
- 3     publication in the statute book.