

**Introduced by Senator Cannella**

February 22, 2013

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An act to amend Section 530.5 of the Penal Code, relating to identity theft.

LEGISLATIVE COUNSEL'S DIGEST

SB 644, as introduced, Cannella. Identity theft.

Existing law provides that every person who willfully obtains personal identifying information, as defined, of another person, and uses that information for an unlawful purpose, including to obtain, or attempt to obtain, credit, goods, services, real property, or medical information without the consent of that person, is guilty of a public offense.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 530.5 of the Penal Code is amended to  
2 read:  
3 530.5. (a) Every person who willfully obtains personal  
4 identifying information, as defined in subdivision (b) of Section  
5 530.55, of another person, and uses that information for ~~any~~ *an*  
6 unlawful purpose, including to obtain, or attempt to obtain, credit,  
7 goods, services, real property, or medical information without the  
8 consent of that person, is guilty of a public offense, and upon  
9 conviction therefor, shall be punished by a fine, by imprisonment  
10 in a county jail not to exceed one year, or by both a fine and

1 imprisonment, or by imprisonment pursuant to subdivision (h) of  
2 Section 1170.

3 (b) In ~~any~~ a case in which a person willfully obtains personal  
4 identifying information of another person, uses that information  
5 to commit a crime in addition to a violation of subdivision (a), and  
6 is convicted of that crime, the court records shall reflect that the  
7 person whose identity was falsely used to commit the crime did  
8 not commit the crime.

9 (c) (1) Every person who, with the intent to defraud, acquires  
10 or retains possession of the personal identifying information, as  
11 defined in subdivision (b) of Section 530.55, of another person is  
12 guilty of a public offense, and upon conviction therefor, shall be  
13 punished by a fine, by imprisonment in a county jail not to exceed  
14 one year, or by both a fine and imprisonment.

15 (2) Every person who, with the intent to defraud, acquires or  
16 retains possession of the personal identifying information, as  
17 defined in subdivision (b) of Section 530.55, of another person,  
18 and who has previously been convicted of a violation of this  
19 section, upon conviction therefor shall be punished by a fine, by  
20 imprisonment in a county jail not to exceed one year, or by both  
21 a fine and imprisonment, or by imprisonment pursuant to  
22 subdivision (h) of Section 1170.

23 (3) Every person who, with the intent to defraud, acquires or  
24 retains possession of the personal identifying information, as  
25 defined in subdivision (b) of Section 530.55, of 10 or more other  
26 persons is guilty of a public offense, and upon conviction therefor,  
27 shall be punished by a fine, by imprisonment in a county jail not  
28 to exceed one year, or by both a fine and imprisonment, or by  
29 imprisonment pursuant to subdivision (h) of Section 1170.

30 (d) (1) Every person who, with the intent to defraud, sells,  
31 transfers, or conveys the personal identifying information, as  
32 defined in subdivision (b) of Section 530.55, of another person is  
33 guilty of a public offense, and upon conviction therefor, shall be  
34 punished by a fine, by imprisonment in a county jail not to exceed  
35 one year, or by both a fine and imprisonment, or by imprisonment  
36 pursuant to subdivision (h) of Section 1170.

37 (2) Every person who, with actual knowledge that the personal  
38 identifying information, as defined in subdivision (b) of Section  
39 530.55, of a specific person will be used to commit a violation of  
40 subdivision (a), sells, transfers, or conveys that same personal

1 identifying information is guilty of a public offense, and upon  
2 conviction therefor, shall be punished by a fine, by imprisonment  
3 pursuant to subdivision (h) of Section 1170, or by both a fine and  
4 imprisonment.

5 (e) Every person who commits mail theft, as defined in Section  
6 1708 of Title 18 of the United States Code, is guilty of a public  
7 offense, and upon conviction therefor shall be punished by a fine,  
8 by imprisonment in a county jail not to exceed one year, or by both  
9 a fine and imprisonment. Prosecution under this subdivision shall  
10 not limit or preclude prosecution under any other provision of law,  
11 including, but not limited to, subdivisions (a) to (c), inclusive, of  
12 this section.

13 (f) An interactive computer service or access software provider,  
14 as defined in subsection (f) of Section 230 of Title 47 of the United  
15 States Code, shall not be liable under this section unless the service  
16 or provider acquires, transfers, sells, conveys, or retains possession  
17 of personal information with the intent to defraud.