

18 Pa.C.S. § 4120

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§ 4120. Identity theft.

(a) Offense defined. — A person commits the offense of identity theft of another person if he possesses or uses, through any means, identifying information of another person without the consent of that other person to further any unlawful purpose.

(b) Separate offenses. — Each time a person possesses or uses identifying information in violation of subsection (a) constitutes a separate offense under this section. However, the total values involved in offenses under this section committed pursuant to one scheme or course of conduct, whether from the same victim or several victims, may be aggregated in determining the grade of the offense.

(c) Grading. — The offenses shall be graded as follows:

(1) Except as otherwise provided in paragraph (2), an offense under subsection (a) falls within the following classifications depending on the value of any property or services obtained by means of the identifying information:

(i) if the total value involved is less than \$ 2,000, the offense is a misdemeanor of the first degree;

(ii) if the total value involved was \$ 2,000 or more, the offense is a felony of the third degree;

(iii) regardless of the total value involved, if the offense is committed in furtherance of a criminal conspiracy as defined in section 903 (relating to criminal conspiracy), the offense is a felony of the third degree; or

(iv) regardless of the total value involved, if the offense is a third or subsequent offense under this section, the offense is a felony of the second degree.

(2) When a person commits an offense under subsection (a) and the victim of the offense is 60 years of age or older, a care-dependent person as defined in section 2713 (relating to neglect of care-dependent person) or an individual under 18 years of age, the grading of the offense shall be one grade higher than specified in paragraph (1).

(d) Concurrent jurisdiction to prosecute. — In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of this section or any series of such violations involving more than one county of this Commonwealth or another state. No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and if any such challenge is made, the challenge shall be dismissed and no relief shall be made available in the courts of this Commonwealth to the person making the challenge.

(e) Use of police reports. — A report to a law enforcement agency by a person stating that the person's identifying information has been lost or stolen or that the person's identifying information has been used without the person's consent shall be prima facie evidence that the identifying information was possessed or used without the person's consent.

(e.1) Venue. — Any offense committed under subsection (a) may be deemed to have been committed at any of the following:

- (1)** The place where a person possessed or used the identifying information of another without the other's consent to further any unlawful purpose.
- (2)** The residence of the person whose identifying information has been lost or stolen or has been used without the person's consent.
- (3)** The business or employment address of the person whose identifying information has been lost or stolen or has been used without the person's consent, if the identifying information at issue is associated with the person's business or employment.

(f) Definitions. —

As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Document.” —Any writing, including, but not limited to, birth certificate, Social Security card, driver's license, nondriver government-issued identification card, baptismal certificate, access device card, employee identification card, school identification card or other identifying information recorded by any other method, including, but not limited to, information stored on any computer, computer disc, computer printout, computer system, or part thereof, or by any other mechanical or electronic means.

“Identifying information.” —Any document, photographic, pictorial or computer image of another person, or any fact used to establish identity, including, but not limited to, a name, birth date, Social Security number, driver's license number, nondriver governmental identification number, telephone number, checking account number, savings account number, student identification number, employee or payroll number or electronic signature.

History

Act 2000-21 (H.B. 945), P.L. 102, § 1, approved May 22, 2000, eff. in 60 days; Act 2002-62 (H.B. 1546), P.L. 430, § 1, approved June 19, 2002, eff. in 60 days; Act 2013-97 (H.B. 714), P.L. 1061, § 1, approved Nov. 27, 2013, eff. in 60 days.

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