



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 36 [2003 Assembly Bill 288]	Identity Theft
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 36 addresses the crime of identity theft and several related issues.

CRIME OF IDENTITY THEFT

The Act expands the coverage of the current crime of identity theft by:

- Expanding the definitions of “personal identification document” and “personal identifying information” to include virtually any type of identifying information or personal identification document.
- Including unauthorized use of information or documents of public and private entities, in addition to information or documents of individuals.
- Including unauthorized use of documents or information of deceased individuals.
- Adding “possession with intent to use” personal identifying information or documents to the prohibited conduct.
- Clarifying that prohibitions on the unauthorized use of information or documents extend to obtaining “employment” or anything of “benefit” or to avoiding “civil or criminal process or penalty.”
- Adding a prohibition against unauthorized use of personal identifying information or documents to “harm the reputation, property, person, or estate of [an] individual.”

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

- Adding a third alternative, “by representing...that the information or document belongs to him or her,” to the current element “by representing that he or she is the individual or is acting with the authorization or consent of the individual.”

OUT-OF-STATE VIOLATIONS

The Act enables and enhances prosecution of identity theft violations that occur outside Wisconsin but victimize a Wisconsin resident by:

- Making changes to jurisdiction and venue provisions that give the state jurisdiction and identify where the violation may be prosecuted when the violation occurs outside the state but the victim is an individual residing in the state or an entity located in this state.
- Making changes to admissibility of proof in preliminary hearings to make it easier for prosecutors to present out-of-state identity theft cases at the preliminary hearing stage.

LAW ENFORCEMENT AGENCY REPORT

The Act requires a law enforcement agency to prepare a report if a person who resides in the agency’s jurisdiction reports an identity theft violation.

ACCESS TO DEPARTMENT OF TRANSPORTATION PHOTOGRAPHS

The Act allows federal law enforcement agencies and law enforcement agencies from other states (not just adjacent states, as previously provided) access to photographs maintained by the Department of Transportation (DOT) in connection with driver’s licenses and photo IDs.

UTILITY SERVICE FOR VICTIMS OF IDENTITY THEFT

The Act includes a procedure for a victim of identity theft to obtain public utility service when the victim has been unable to obtain utility service because his or her identity was used by someone else to obtain that service.

MONEY LAUNDERING

To address money laundering, the Act creates a new crime prohibiting false statements concerning identity to financial institutions in connection with financial transactions.

Effective Date: Act 36 takes effect August 8, 2003.

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