

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1585/P1dn  
MGD:kmg:jf

March 5, 2003

Rep. Gundrum:

**Identity theft**

1. From what Don Dyke has told me, ss. 943.201 (3) and 943.203 (3) are intended to prevent law enforcement officers from being prosecuted. But those provisions are not needed in order to achieve that objective, since a law enforcement officer will presumably be able to show that he or she did not intend to do any of the things listed in s. 943.201 (2) (a), (b), or (c) or 943.203 (2) (a) or (b). Is there some other goal behind those provisions?

2. It is not clear whether s. 939.03 (1) (e) would apply in cases in which the victim is deceased. Should it?

**Utility service for identity-theft victims**

3. The term "public utility" does not include certain telephone companies, such as wireless phone companies, nor does it include cooperative associations. Is that okay?

**False statements to financial institutions**

4. Under 2001 Senate Bill 363 — the bill on which this bill's version of s. 946.79 was based -- an attempt to make a false statement to a financial institution was punishable in the same way as the completed offense. This bill does not take that approach, except with respect to attempts covered by s. 946.79 (2) (a). Instead, the maximum penalty for an attempt is half the penalty for the completed offense. Is that okay?

5. SB-363 permitted more than one violation of s. 946.79 to be prosecuted as a single crime if the violations were pursuant to the same scheme. This bill does not contain such a provision. Is that okay?

6. Unlike SB-363, this bill does not treat a violation of s. 946.79 as racketeering activity. Is that okay?

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