

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1722. Identity Theft.

(a) *Identity theft.* A person commits the offense of identity theft when he or she knowingly:

(1) Uses any personal identifying information or personal identification document of another person to fraudulently obtain credit, money, goods, services, or other property, or

(2) Uses any personal identifying information or personal identification document of another with intent to commit any felony theft or other felony violation of Commonwealth law not set forth in paragraph (1) of this subsection (a), or

(3) Obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identifying information or personal identification document of another with intent to commit or to aid or abet another in committing any felony theft or other felony violation of Commonwealth law, or

(4) Uses, obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identifying information or personal identification document of another knowing that such personal identifying information or personal identification documents were stolen or produced without lawful authority, or

(5) Uses, transfers, or possesses document-making implements to produce false identification or false documents with knowledge that they will be used by the person or another to commit any felony theft or other felony violation of Commonwealth law.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be determined by the trier of fact as either exceeding or not exceeding the specified value.

(d) Sentence.

(1) A person convicted of identity theft in violation of paragraph (1) of subsection (a) shall be sentenced as follows:

(A) Identity theft of credit, money, goods, services, or other property not exceeding \$250 in value is guilty of a misdemeanor and may be punished by imprisonment for less than one year or a fine of up to \$1,000 or both. A person who has been previously convicted of identity theft of less than \$250 who is convicted of a second or subsequent offense of identity theft of less than \$250 is guilty of a felony and may be punished by imprisonment of not less than one year and not more than three years or a fine of up to \$5,000 or both.

(B) Identity theft of credit, money, goods, services, or other property exceeding \$250 and not exceeding \$2,000 in value is a felony punished by

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imprisonment of not less than one year and not more than three years or a fine of up to \$5,000 or both.

(C) Identity theft of credit, money, goods, services, or other property exceeding \$2,000 and not exceeding \$10,000 in value is a felony and may be punished by imprisonment of not less than two years and not more than five years or a fine of up to \$15,000 or both.

(D) Identity theft of credit, money, goods, services, or other property exceeding \$10,000 and not exceeding \$100,000 in value is a felony punished and may be punished by a term of imprisonment of not less than three years and not more than seven years or a fine of up to \$20,000 or both.

(E) Identity theft of credit, money, goods, services, or other property exceeding \$100,000 in value is a felony and may be punished by a term of imprisonment of not less than five years and not more than ten years or a fine of up to \$25,000 or both.

(2) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) is guilty of a felony and may be punished by a term of imprisonment of not less than one year and not more than three years or a fine of up to \$5,000 or both.

(3) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) a second or subsequent time is guilty of a felony and may be punished by a term of imprisonment of not less than two years and not more than five years or a fine of up to \$15,000 or both. The question of guilt of a second or subsequent offense shall be determined by the jury that returned a verdict of guilty on the offense before the Court unless the defendant in the offense before the Court pleads guilty to the second or subsequent offense.

(4) A person who, within a 12 month period, is found in violation of any offense enumerated in paragraphs (2) through (5) of subsection (a) at least three times, either at the same time or consecutively, is guilty of a felony and may be punished by a term of imprisonment of not less than two years and not more than five years or a fine of up to \$15,000 or both.

Source: PL 15-38, § 3 (1722).