

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

§ 1723. Aggravated Identity Theft.

(a) A person commits the offense of aggravated identity theft when he or she commits the offense of identity theft as set forth in subsection (a) of Section 1722 against a person 60 years of age or older or a disabled person as defined in subsection (d) of Section 1721.

(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 aggravated 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) A defense to aggravated identity theft does not exist because the accused reasonably believed the victim to be a person less than 60 years of age.

(e) Sentence.

(1) Aggravated identity theft of credit, money, goods, services, or other property not exceeding \$300 in value is 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 \$3,000 or both.

(2) Aggravated identity theft of credit, money, goods, services, or other property exceeding \$300 and not exceeding \$10,000 in value is 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 \$30,000 or both.

(3) Aggravated identity theft of credit, money, goods, services, or other property exceeding \$10,000 in value and not exceeding \$100,000 in value is a felony 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 \$200,000 or both.

(4) Aggravated identity theft of credit, money, goods, services, or other property exceeding \$100,000 in value is a felony punished by imprisonment of not less than four years and not more than 15 years or a fine of up to \$300,000 or both.

(5) A person who has been previously convicted of aggravated identity theft regardless of the value of the property involved who is convicted of a second or subsequent offense of aggravated identity theft regardless of the value of the property involved is guilty of a felony punished by imprisonment of not less than six years and not more than 30 years or a fine of up to \$500,000 or both.

Source: PL 15-38, § 3 (1723).