

Detecting and Deterring Fraud

Identity Theft vs. Identity Fraud

Identity theft is an actual charge

Identity fraud is not a charge. It happens when a person creates an identity or assumes the identity of a real person

A person who commits identity theft, engages in identity fraud

Definitions

Personal Identifying Information- Any name, code, number, or information that may be used to assume the identity of another person

Personal Identification Number- Any number or code that can be used to assume the identity of another person, or gain access to financial recourses of another

Identity Theft

Type: Misdemeanor- P.L. 190.78

Definition: With intent to defraud person knowingly assumes the identity of another person by:

- Acting as that person
- Using Person Identifying Information of that person

and thereby...

- 1) Obtain goods, money, property or service or
Uses credit in the name of that person or
Causes financial loss to that person or
- 2) Commits a Class A Misdemeanor or higher level crime

Note: Higher level crime will allow ADA to plan bargain from felony to the misdemeanor

Identity Theft

Type: Felony- P.L. 190.79/80

Definition: With intent to defraud person knowingly assumes the identity of another person by:

- Acting as that person
- Using Person Identifying Information of that person

and thereby...

- 1) Obtain good, money, services, credit in amount EXCEEDING \$500.00 or
- 2) Causes financial damage loss to such person EXCEEDING \$500.00 or
- 3) **COMMITTS/ATTEMPTS FELONY** (or acts as accessory) or
- 4) Previous conviction with in 5 years

Unlawful Possession of Personal Identifying Information

Type: Misdemeanor P.L. 190.81

Definition: Person knowingly possesses a person's:

- Financial services account number
- Savings account number or code
- Checking account number or code
- Credit Chard account number or code