

HB

131

SENATE COMMITTEE REPORT

DATE: 4/14/05

FURTHER: Finance

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered

HOUSE BILL NO. 131

HB 131 ACCESS DEVICE & I.D. DOCUMENT CRIMES

"An Act increasing the criminal classification of theft of an access device and of obtaining an access device or identification documents by fraudulent means; increasing the criminal classification for certain cases of fraudulent use of an access device; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____


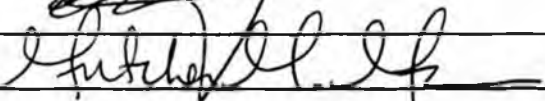
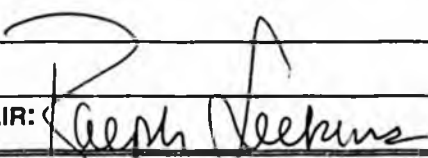
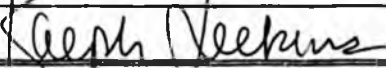
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			X	
	X		X	
	✓			
CHAIR: 				

ALASKA STATE LEGISLATURE

Vice Chair:
House Finance Committee

Chair:
House Finance Subcommittees for,
Department of Public Safety
Department of Law



Session:
Alaska State Capitol
Juneau, AK 99801-1182
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REPRESENTATIVE BILL STOLTZE

Representative_Bill_Stoltze@legis.state.ak.us

House Bill 131

Access Device & I.D. Document Crimes

"An Act increasing the criminal classification of theft of an access device and of obtaining an access device or identification documents by fraudulent means; increasing the criminal classification for certain cases of fraudulent use of an access device; and providing for an effective date."

Identity theft is on the increase in Alaska and our country as a whole. The Federal Trade Commission (FTC) reported that identity theft was up 33 percent in 2003. The State of Alaska ranks second in the number of complaints per 100,000 people.

These types of theft average \$500; however, this does not take into consideration the countless hours a victim may spend tracking down and stopping the imposter, as well as time and legal costs to repair credit ratings and fight collection efforts. These changes would bring the penalties for such crimes closer in line with federal criminal laws, which provide for as much as 15 years in prison for similar crimes.

The provisions of HB 131:

- Increase the penalty from a class A misdemeanor to a class C felony for:
 1. Theft of an access device, such as a credit card or bank account number.
 2. The crime of fraudulent use of an access device if the value of the property or services obtained is \$500 or more.
 3. The crime of obtaining an access device or identification document by fraudulent means.

I ask for your consideration and support of HB 131 to take a step towards meaningful deterrence and punishment for such crimes, which can impact all Alaskans.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Frank H. Murkowski, Governor

Commercial and Fair Business Section
P.O. BOX 110300
123 4TH ST., DIMOND COURT HOUSE
JUNEAU, ALASKA 99811-0300
PHONE: (907)465-3600
FAX: (907)465-2539

March 1, 2005

Sectional Analysis of HB 131 (ID Theft)

(Prepared by the Department of Law, March 1, 2005)

HB 131 would increase the criminal classification of theft of an access device, of fraudulent use of an access device, and for fraudulently obtaining an access device or identification document.

Section 1 classifies theft of an access device as theft in the second degree, a class C felony.

Section 2 is a conforming amendment that deletes a statutory reference to the provision repealed in sec. 5 of the bill.

Section 3 raises fraudulent use of an access device to a class C felony from a class A misdemeanor when the value of the property or services obtained is between \$50 and \$25,000; it raises fraudulent use of an access device to a class A misdemeanor when the value of property or services obtained is less than \$50.

Section 4 raises fraudulently obtaining an access device or identification document to a class C felony from a class A misdemeanor.

Section 5 repeals the statutory provision classifying theft of an access device as theft in the third degree.

Section 6 would make the bill applicable to offenses occurring on or after the effective date.

Section 7 sets out an effective date of July 1, 2005.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 131
 (H) Publish Date: 3/21/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title: "An act increasing the criminal classification of RDU: Institutional Facilities
theft of an access device and of obtaining an access device..." Component: Institution Director's Office
 Sponsor: Representatives Stoltze, McGuire
 Requester: Judiciary, Finance Component No.: 524

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Due to the estimated small number of successful prosecutions that may occur as a result of the changes contained in the legislation, the department does not anticipate a significant fiscal impact to the Department of Corrections.

Prepared by: Sharleen Griffin, Acting Director
 Division: Administrative Services
 Approved by: Portia C.K. Parker, Deputy Commissioner
 Agency: Department of Corrections

Phone 465-4641
 Date/Time 2/25/05 10:26 AM
 Date 2/25/2005

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 131
 (H) Publish Date: 3/21/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title: "An Act increasing the criminal classification
of theft of an access device and of obtaining an access.. RDU: CRIMINAL
 Sponsor: Representative Stolze Component: CDCO
 Requester: House Judiciary Component No.: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends sections of AS 11.46. and would protect citizens, businesses, and financial institutions by increasing the penalty for certain types of identity theft and fraud crimes. The bill would increase the penalty from a class A misdemeanor to a class C felony for (1) theft of an access device, such as a credit card or bank account number, (2) the crime of fraudulent use of an access device if the value of the property or services obtained is \$50 or more, and (3) the crime of obtaining an access device or identification document by fraudulent means. The Department of Law does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Kathryn Daughhete, Director Phone 465-5427
 Division: Administrative Services Date/Time 2/22/05 4:21 PM
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 2/22/2005
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: HB 131
 (H) Publish Date: 3/21/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act increasing classification of theft of an access RDU Alaska State Troopers
device & obtaining an access device or identification... Component AST Detachments
 Sponsor Representatives Stoltze, McGuire
 Requester _____ Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill amends AS 11.46.130 and adds an "access device" [defined in AS 11.81.900(b)(1)] to the crime of theft in the second degree which will increase the criminal classification for theft of an "access device" from a Class A Misdemeanor to a Class C Felony. The bill also increases the criminal classification for fraudulent use of an access device in AS 11.46.285. It will increase the penalty to a Class C Felony if the theft of property or services obtained is \$50 or more, but less than \$25,000. The present value for a Class C Felony is \$500 or more, but less than \$25,000.

 No fiscal impact on the Department of Public Safety is anticipated.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223
 Division Alaska State Troopers Date/Time 2/22/05 5:37 PM
 Approved by: Commissioner William Tandeske Date 2/22/2005
 Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: HB 131
 (H) Publish Date: 3/21/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An act increasing criminal class. for RDU Legal and Advocacy Services
access device crimes... Component Public Defender Agency
 Sponsor Reps. Stoltze, McGuire
 Requester House Judiciary Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill seeks to amend several offenses related to access devices, like credit cards and bank account numbers, and ID documents to raise the penalty from a misdemeanor to a felony for the theft of, fraudulent use of, and for fraudulently obtaining an access device or ID document. This increase in penalties will increase the workload of the Agency. It is far more costly to defend a person charged with a felony than a misdemeanor. Some of these offenses are currently prosecutable by municipalities as misdemeanors, and if they become felonies, they will be prosecuted by the state resulting in more public defender appointments. It is not possible to predict how many current PD-appointed cases will be affected or new cases appointed, therefore an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)334-4416
 Division Public Defender Agency Date/Time 2/22/05 9:54 AM
 Approved by: Michael Tibbles, Deputy Commissioner Date 2/22/2005
 Agency Department of Administration

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Pres. Wrangell Chapter

March 18, 2005

Representative Bill Stoltze
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Stoltze:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 131, relating to access devices and identity theft.

The APOA Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

This legislation increases the penalties for fraudulent use of an access device and identity theft. These crimes are only increasing with expanded use of the Internet as a tool of commerce. The damage done to victims of these types of crimes can take months and even years to recover from and, in some cases, is irreparable. This bill is a step in the right direction in addressing these types of crimes.

Thank you for addressing this issue. Please contact the APOA office in Anchorage at (907) 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Angella Long
State President

AARP Alaska

April 20, 2005

The Honorable Ralph Seekins, Chair
Senate Judiciary Committee
Alaska State Capitol, Room 125
Juneau, Alaska 99801-1182

RE: HB 131 (Stoltze)--Support

Dear Chair Seekins:

On behalf of the AARP members in Alaska, we ask that you and your colleagues on the Senate Judiciary Committee support HB 131, authored by Representative Bill Stoltze and co-sponsored by Representatives McGuire, Kelly, Meyer and Foster.

The intent of HB 131 is to increase the penalties for some crimes associated with identity theft, including credit cards and bank accounts fraudulently accessed. Although violent crime receives the most media attention, fraud and identity theft are becoming increasingly more serious and more prevalent and older people are often the targets. The loss of even modest amounts of money may be devastating to a retired victim living on a low, fixed income.

In surveys of AARP members, they report that identity theft is one of their major concerns. As with any crime, we cannot completely control being victimized. However, HB 131 does increase the penalties for criminals who commit these crimes.

AARP urges an "AYE" vote on HB 131.

Should you have any questions about our position, please feel free to contact me or Patrick Luby (907-762-3314), AARP Alaska Advocacy Director.

Thank you for your consideration.

Sincerely,

Marie Darlin

Marie Darlin, Coordinator
Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Vice-Chair Charlie Huggins
Senator Gene Therriault
Senator Hollis French
Senator Gretchen Guess
Representative Bill Stoltze