

House Bill 1016 (AS PASSED HOUSE AND SENATE)

By: Representatives Golick of the 34th, Hatfield of the 177th, Levitas of the 82nd, Ramsey of the 72nd, Setzler of the 35th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
2 relating to identity fraud, so as to revise a term so as to include businesses as potential
3 identity theft victims; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 8 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to
8 identity fraud, is amended by revising subsection (a) of Code Section 16-9-121, relating to
9 elements of the offense of identity fraud, as follows:

10 "(a) A person commits the offense of identity fraud when he or she willfully and
11 fraudulently:

12 (1) Without authorization or consent, uses or possesses with intent to fraudulently use;
13 identifying information concerning ~~an individual~~ a person;

14 (2) Uses identifying information of an individual under 18 years old over whom he or
15 she exercises custodial authority;

16 (3) Uses or possesses with intent to fraudulently use; identifying information concerning
17 a deceased individual;

18 (4) Creates, uses, or possesses with intent to fraudulently use; any counterfeit or fictitious
19 identifying information concerning a fictitious ~~individual~~ person with intent to use such
20 counterfeit or fictitious identification information for the purpose of committing or
21 facilitating the commission of a crime or fraud on another person; or

22 (5) Without authorization or consent, creates, uses, or possesses with intent to
23 fraudulently use; any counterfeit or fictitious identifying information concerning a real
24 ~~individual~~ person with intent to use such counterfeit or fictitious identification
25 information for the purpose of committing or facilitating the commission of a crime or
26 fraud on another person."

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SECTION 2.

28 Said article is further amended by revising paragraph (4) of Code Section 16-9-128, relating
29 to exemptions, as follows:

30 "(4) The good faith use of identifying information with the permission of the affected
31 individual person."

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SECTION 3.

33 All laws and parts of laws in conflict with this Act are repealed.