

As Introduced

**124th General Assembly
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H. B. No. 309

**REPRESENTATIVES Hughes, Calvert, Carmichael, Collier, Fessler,
Goodman, Hoops, Latta, Lendrum, Olman, Reidelbach, Schaffer, Schmidt,
G. Smith, Key, R. Miller**

A B I L L

To amend section 2913.49 of the Revised Code to revise
the elements of taking the identity of another.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2913.49 of the Revised Code be
amended to read as follows:

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Sec. 2913.49. (A) As used in this section, "personal
identifying information" includes, but is not limited to, the
following: the name, address, telephone number, driver's license,
driver's license number, commercial driver's license, commercial
driver's license number, state identification card, state
identification card number, social security card, social security
number, place of employment, employee identification number,
mother's maiden name, demand deposit account number, savings
account number, money market account number, mutual fund account
number, other financial account number, personal identification
number, password, or credit card number of a living or dead
individual.

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(B) No person, without the other person's consent and for any
purpose, shall ~~obtain, possess, or~~ use any unique personal

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identifying information of ~~any another person~~, living or dead 19
~~individual with the intent to fraudulently obtain credit,~~ 20
~~property, or services or avoid the payment of a debt or any other~~ 21
~~legal obligation, as if it is the person's own unique personal~~ 22
~~identifying information.~~ 23

(C) No person shall create, obtain, possess, or use the 24
personal identifying information of any living or dead individual 25
with the intent to aid or abet another person in violating 26
division (B) of this section. 27

(D)(1) If the violation of division (B) of this section 28
occurs as part of a course of conduct involving other violations 29
of division (B) of this section or violations of, attempts to 30
violate, conspiracies to violate, or complicity in violations of 31
division (C) of this section or section 2913.02, 2913.04, 2913.11, 32
2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised 33
Code, the court, in determining the degree of the offense pursuant 34
to division (E) of this section, may aggregate all credit, 35
property, or services obtained or sought to be obtained by the 36
offender and all debts or other legal obligations avoided or 37
sought to be avoided by the offender in the violations involved in 38
that course of conduct. The course of conduct may involve one 39
victim or more than one victim. 40

(2) If the violation of division (C) of this section occurs 41
as part of a course of conduct involving other violations of 42
division (C) of this section or violations of, attempts to 43
violate, conspiracies to violate, or complicity in violations of 44
division (B) of this section or section 2913.02, 2913.04, 2913.11, 45
2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised 46
Code, the court, in determining the degree of the offense pursuant 47
to division (E) of this section, may aggregate all credit, 48
property, or services obtained or sought to be obtained by the 49
person aided or abetted and all debts or other legal obligations 50

avoided or sought to be avoided by the person aided or abetted in
the violations involved in that course of conduct. The course of
conduct may involve one victim or more than one victim.

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(E) Whoever violates this section is guilty of taking the
identity of another. Except as otherwise provided in this
division, taking the identity of another is a misdemeanor of the
first degree. If the value of the credit, property, services,
debt, or other legal obligation involved in the violation or
course of conduct is five hundred dollars or more and is less than
five thousand dollars, taking the identity of another is a felony
of the fifth degree. If the value of the credit, property,
services, debt, or other legal obligation involved in the
violation or course of conduct is five thousand dollars or more
and is less than one hundred thousand dollars, taking the identity
of another is a felony of the fourth degree. If the value of the
credit, property, services, debt, or other legal obligation
involved in the violation or course of conduct is one hundred
thousand dollars or more, taking the identity of another is a
felony of the third degree.

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Section 2. That existing section 2913.49 of the Revised Code
is hereby repealed.

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