

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

684X0426

HOUSE BILL NO. 1166

Introduced by: Representatives Haugaard, Bolin, DiSanto, Marty, Qualm, Rasmussen, Schoenbeck, Steinhauer, and Westra and Senators Holien, Fiegen, Jensen (Phil), and Rusch

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the penalty for
2 identity theft while using an unauthorized credit card.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-40-8 be amended to read:

5 22-40-8. If any person, without the authorization or permission of another person and with
6 the intent to deceive or defraud:

7 (1) Obtains, possesses, transfers, uses, attempts to obtain, or records identifying
8 information not lawfully issued for that person's use; or

9 (2) Accesses or attempts to access the financial resources of that person through the use
10 of identifying information;

11 such person commits the crime of identity theft. Identity theft committed pursuant to this section
12 is a Class 6 felony. However, if the unauthorized use of another person's credit card is used by
13 a person to commit a theft of one thousand dollars or less, the identity theft committed is a Class
14 1 misdemeanor.

