

ASSEMBLY BILL NO. 428—ASSEMBLYMEN PARKS, ANDERSON, HORNE, COBB, LESLIE, ALLEN, ARBERRY, BUCKLEY, CONKLIN, DENIS, HOGAN, KIRKPATRICK, KOIVISTO, MANENDO, MCCLAIN, MORTENSON, OCEGUERA, OHRENSCHALL, PIERCE, SEGERBLOM, SETTELMAYER, SMITH AND WOMACK

MARCH 19, 2007

Referred to Committee on Judiciary

SUMMARY—Prohibits the use and acquisition of certain personal identifying information of another without the prior consent of that person. (BDR 15-1334)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to personal identifying information; prohibiting the use of certain personal identifying information of another to obtain any other personal identifying information of that person without the prior express consent of the person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits the use of the personal identifying information of another
2 to harm that person or to obtain credit, a good, a service or anything of value in the
3 name of that other person. (NRS 205.4617, 205.463, 205.464, 205.465) **Section 1**
4 of this bill provides that personal identifying information includes, without
5 limitation, any information that can be used to identify the actions, communications
6 or other activities or transactions of a person. (NRS 205.4617) **Section 2** of this bill
7 provides that a person who uses the personal identifying information of another,
8 with the intent to commit an unlawful act, to: (1) represent or impersonate that
9 other person to obtain access to any personal identifying information of that other
10 person without the prior express consent of that other person, or (2) obtain access to
11 any nonpublic record of the actions taken, communications made or received by, or
12 other activities or transactions of that other person without the prior express consent
13 of that other person is guilty of a category B felony. (NRS 205.463)



* A B 4 2 8 R 1 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.4617 is hereby amended to read as follows:

205.4617 1. Except as otherwise provided in subsection 2, “personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a living or deceased person ~~or to identify the actions taken, communications made or received by, or other activities or transactions of a living or deceased person~~, including, without limitation:

(a) The current or former name, driver’s license number, identification card number, social security number, checking account number, savings account number, credit card number, debit card number, financial services account number, date of birth, place of employment and maiden name of the mother of a person.

(b) The unique biometric data of a person, including, without limitation, the fingerprints, facial scan identifiers, voiceprint, retina image and iris image of a person.

(c) The electronic signature, unique electronic identification number, address or routing code, telecommunication identifying information or access device of a person.

(d) The personal identification number or password of a person.

(e) The alien registration number, government passport number, employer identification number, taxpayer identification number, Medicaid account number, food stamp account number, medical identification number or health insurance identification number of a person.

(f) The number of any professional, occupational, recreational or governmental license, certificate, permit or membership of a person.

(g) The number, code or other identifying information of a person who receives medical treatment as part of a confidential clinical trial or study, who participates in a confidential clinical trial or study involving the use of prescription drugs or who participates in any other confidential medical, psychological or behavioral experiment, study or trial.

(h) The utility account number of a person.

2. To the extent that any information listed in subsection 1 is designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify an artificial person, “personal identifying information” includes information pertaining to an artificial person.



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Sec. 2. NRS 205.463 is hereby amended to read as follows:

205.463 1. Except as otherwise provided in subsections 2 and 3, a person who knowingly:

(a) Obtains any personal identifying information of another person; and

(b) ~~Uses~~ *With the intent to commit an unlawful act, uses* the personal identifying information ~~to~~ :

(1) *To harm that other person ;*

(2) *To represent or impersonate that other person to obtain access to any personal identifying information of that other person without the prior express consent of that other person;*

(3) *To obtain access to any nonpublic record of the actions taken, communications made or received by, or other activities or transactions of that other person without the prior express consent of that other person;* or ~~for~~

(4) *For* any *other* unlawful purpose, including, without limitation, to obtain credit, a good, a service or anything of value in the name of that *other* person,

➤ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.

2. Except as otherwise provided in subsection 3, a person who knowingly:

(a) Obtains any personal identifying information of another person; and

(b) Uses the personal identifying information to avoid or delay being prosecuted for an unlawful act,

➤ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. A person who violates:

(a) Subsection 1 or 2 by obtaining and using the personal identifying information of an older person or a vulnerable person; or

(b) Subsection 2 to avoid or delay being prosecuted for an unlawful act that is punishable as a category A felony or category B felony,

➤ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.

4. In addition to any other penalty, the court shall order a person convicted of violating subsection 1 to pay restitution, including, without limitation, any attorney's fees and costs incurred to:



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- 1 (a) Repair the credit history or rating of the person whose
- 2 personal identifying information he obtained and used in violation
- 3 of subsection 1; and
- 4 (b) Satisfy a debt, lien or other obligation incurred by the person
- 5 whose personal identifying information he obtained and used in
- 6 violation of subsection 1.

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