

INTRODUCED BY SENIOR ASSEMBLY MEMBER KAMMERER

LEGISLATIVE COUNSEL'S DIGEST

AP 7: IDENTITY THEFT.

UNDER EXISTING LAW, EVERY PERSON WHO WILLFULLY OBTAINS PERSONAL IDENTIFYING INFORMATION OF ANOTHER PERSON AND USES THAT INFORMATION FOR ANY UNLAWFUL PURPOSE OR WHO ACQUIRES OR RETAINS POSSESSION OF, OR SELLS OR TRANSFERS, THE PERSONAL IDENTIFYING INFORMATION OF ANOTHER PERSON WITH THE INTENT TO DEFRAUD IS GUILTY OF A PUBLIC OFFENSE, PUNISHABLE AS A MISDEMEANOR OR FELONY, AS SPECIFIED.

THIS MEASURE WOULD MEMORIALIZE THE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION THAT WOULD CREATE A 2-YEAR SENTENCE ENHANCEMENT FOR A CONVICTION OF THESE PROVISIONS WHEN THE CRIME IS AGAINST A PERSON WHO IS 65 YEARS OF AGE OR OLDER AND RESULTS IN A FINANCIAL LOSS OF MORE THAN \$25,000.

VOTE: MAJORITY.

AP 7: RELATING TO IDENTITY THEFT.

WHEREAS, CALIFORNIA HAS ONE OF THE LARGEST POPULATIONS OF RESIDENTS OVER 65 YEARS OF AGE, AND THE UNITED STATES CENSUS BUREAU ESTIMATES THAT THE ELDERLY POPULATION WILL NEARLY DOUBLE IN THE NEXT 20 YEARS; AND

WHEREAS, VICTIMS WHO ARE 65 YEARS OF AGE AND OLDER ARE MORE VULNERABLE AND SUSCEPTIBLE TO IDENTITY THEFT DUE TO AGING AND LACK OF KNOWLEDGE OF ADVANCES IN TECHNOLOGY FOR BANKING AND BUSINESS; AND

WHEREAS, ELDERLY VICTIMS ARE OFTEN MORE TRUSTING AND MANY OF THEM HAVE NO ONE TO HELP PROTECT THEM; AND

WHEREAS, CERTAIN CRIMINALS SPECIFICALLY TARGET THE ELDERLY FOR IDENTITY THEFT, WHICH HAS A DISPROPORTIONATE EFFECT ON THE LIVES OF ELDERLY VICTIMS BECAUSE MANY ARE ON FIXED INCOMES; AND

WHEREAS, WHILE COURTS MAY CONSIDER MITIGATING OR AGGRAVATING CIRCUMSTANCES IN SENTENCING, A SENTENCE ENHANCEMENT FOR SUBSTANTIAL IDENTITY THEFT FROM ELDERLY VICTIMS WOULD ALLOW JUDGES AND PROSECUTORS TO INCREASE SENTENCES IN SUITABLE CASES; NOW, THEREFORE, BE IT

RESOLVED, BY THE SENIOR ASSEMBLY AND THE SENIOR SENATE, JOINTLY, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA AT ITS 2016

REGULAR SESSION, A MAJORITY OF THE MEMBERS VOTING THEREFOR, HEREBY PROPOSES THAT A TWO-YEAR SENTENCE ENHANCEMENT BE CREATED FOR A CONVICTION OF SECTION 530.5 OF THE PENAL CODE WHEN THE CRIME IS AGAINST A VICTIM WHO IS 65 YEARS OF AGE OR OLDER AND RESULTS IN A FINANCIAL LOSS OF OVER \$25,000; AND BE IT FURTHER

RESOLVED, THAT THE LEGISLATION CREATING THIS SENTENCE ENHANCEMENT SHALL ENCOURAGE THE FILING OF, AND PUNISHMENT PURSUANT TO, THE ENHANCEMENT IN THE SOUND DISCRETION OF THE PROSECUTOR AND COURT, RESPECTIVELY; AND BE IT FURTHER

RESOLVED, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA RESPECTFULLY MEMORIALIZES THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF CALIFORNIA TO ENACT APPROPRIATE LEGISLATION THAT WOULD ADDRESS THE CONCERNS SET FORTH IN THIS MEASURE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS MEASURE BE TRANSMITTED TO THE SPEAKER OF THE ASSEMBLY, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE GOVERNOR OF THE STATE OF CALIFORNIA.