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California Expands Identity Theft Prosecution

State law now allows identity thieves to be tried in the victims' jurisdictions, rather than only in the places the crimes occur.

By K.C. Jones

California has passed a law that makes it easier to prosecute identity thieves.

Gov. Arnold Schwarzenegger signed Senate Bill 612 into law this week. It allows prosecutors to charge people with identity theft in the jurisdictions where the victims live. Without the bill, prosecutions could only take place where the crime occurred, which is usually in the perpetrators' towns or cities.

"That may make sense if it's in an old-fashioned property crime like a burglary, or even an auto theft," said Sen. Joe Simitian, a Palo Alto Democrat who sponsored the bill. "If an identity thief in Los Angeles goes online and steals the identity of a half dozen people in San Jose, the crime [had] to be prosecuted in L.A. That makes no sense at all, and, of course, it makes prosecution altogether unlikely."

Simitian said that system favored criminals, rather than helped victims.

"Local prosecutors are likely to be more aggressive on behalf of local victims," he said.

The new law does not require prosecution where the victim lives. Instead, it allows a judge to choose where to try identity-theft cases. Simitian and Republican Sens. Dave Cogdill and Bob Margett introduced the law after a "Governor's 2005 Summit on Identity Theft Solutions" highlighted the problem in a report.

Schwarzenegger said he's committed to protecting Californians' personal information and privacy.

"This commonsense legislation will lead to more prosecutions of this terrible crime, and anyone that commits or even thinks of committing identity theft should know that they will be prosecuted to the fullest extent of the law," he said. Lenny Goldberg of Privacy Rights Clearinghouse said the law puts teeth into existing laws.

"Without prosecution, there's no deterrent," he said.