

MISSOURI

IDENTITY THEFT RANKING BY STATE: Rank 21, 67.4 Complaints Per 100,000

Population, 3962 Complaints (2007)

Updated January 11, 2009

Current Laws: A person commits the crime of identity theft if he or she knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses, or attempts to obtain, transfer or use, one or more means of identification not lawfully issued for his or her use. “Means of identification” includes, but is not limited to, the following: Social Security numbers; drivers license numbers; checking and savings account numbers; credit and debit card numbers; personal identification code; electronic identification numbers; digital signatures; biometric data and fingerprints; passwords; parent’s legal surname prior to marriage; passports; or birth certificates.

Identity theft penalties vary and are tied to the resulting value of credit, money, goods, services or other property stolen or appropriated. The value is its highest value by any reasonable standard at the time the identity theft is committed. Any reasonable standard includes, but is not limited to, market value within the community, actual value, or replacement value. If credit, property, or services are obtained by two or more acts from the same person or location, or from different persons by two or more acts which occur in approximately the same location or time period so that the identity thefts are attributable to a single scheme, plan, or conspiracy, the acts may be considered as a single identity theft and the value may be the total value of all credit, property, and services involved.

Identity Theft Penalties		
Value of Credit, Money, Goods, Services or Other Property Stolen or Appropriated	Offense Level	Penalty –Term of Imprisonment/Fine
None	Class B Misdemeanor	Up to 6 months / Up to \$500
\$500 or less	Class A Misdemeanor	Up to 1 year / Up to \$1000
\$501 to \$5,000	Class C Felony	Up to 7 years / \$5000 or twice the amount of money or property gained through the commission of the crime, up to \$20,000
\$5,001 to \$50,000	Class B Felony	5 to 15 years
More than \$50,000	Class A Felony	10 to 30 years or life imprisonment
Any second or subsequent conviction of identity theft of \$500 or more	Class D Felony	Up to 4 years / \$5000 or twice the amount of money or property gained through the commission of the crime, up to \$20,000

These provisions do not apply to a person who obtains the identity of another person to misrepresent his or her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or another privilege denied to minors.

Statute: §570.223: <http://www.moga.mo.gov/statutes/C500-599/5700000223.HTM>

A person commits the crime of trafficking in stolen identities when such person manufactures, sells, transfers, purchases, or possesses, with intent to sell or transfer means of identification for the purpose of committing identity theft. Possession of five or more means of identification of the same person or possession of means of identification of five or more separate persons is evidence that the identities are possessed with intent to manufacture, sell, or transfer means of identification for the purpose of committing identity theft. Trafficking in stolen identities is a class B felony, punishable by 5 to 15 years in prison.

Statute: §570.224: <http://www.moga.mo.gov/statutes/C500-599/5700000224.HTM>

Jurisdiction: People accused of committing the offense of identity theft can be prosecuted in the county in which the offense is committed; if the offense is committed partly in one county and partly in another, or if the elements of the offense occur in more than one county, then in any of the counties where any element of the offense occurred; in the county in which the victim resides; or in the county in which the property obtained or attempted to be obtained was located.

Statute: §514.033: <http://www.moga.mo.gov/statutes/c500-599/5410000033.htm>

Payment Cards: No person shall knowingly make or cause to be made, directly or indirectly, a false statement regarding another person for the purpose of fraudulently procuring the issuance of a credit card or debit card. It is also unlawful for any person to willfully obtain the personal identifying information of another person without the authorization of that person and use that information fraudulently to obtain or attempt to obtain credit, goods, or services in the name of the other person without the consent of that person. Personal identifying information means the name, address, telephone number, driver's license number, Social Security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number or credit card number of a person. Violations are a class A misdemeanor, punishable by up to one year in jail and/or a fine up to \$1000.

Statute: §570.135: <http://www.moga.mo.gov/statutes/C500-599/5700000135.HTM>

A person commits the crime of fraudulent use of a credit device or debit device if the person uses the card for the purpose of obtaining services or property, knowing that the device is stolen, fictitious, or forged; the device has been revoked or cancelled; or for any other reason his use of the device is unauthorized. It is a class A misdemeanor, unless the value of the property or services obtained within any 30-day period is \$500 or more, in which case it is a class D felony.

Statute: §570.130: <http://www.moga.mo.gov/statutes/C500-599/5700000130.HTM>

Scanning Devices: State law prohibits the use of a scanning device or reencoder to obtain or record encoded information from the magnetic strip of a credit or debit card without the authorization of the authorized user and with the intent to defraud the authorized user, the issuer of the card, or a merchant. Scanning devices are defined as a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or

permanently, information encoded on the magnetic strip or stripe of a payment card. A reencoder is an electronic device that places encoded information from the magnetic strip or stripe of a credit or debit card onto the magnetic strip or stripe of a different card. Violations are an infraction, with any second or subsequent violation as a class A misdemeanor.

Statute: §407.33: <http://www.moga.mo.gov/statutes/C400-499/4070000433.HTM>

Social Security Numbers: State law prohibits a person or business, not including a state or local agency, from publicly posting or displaying in any manner an individual's Social Security number (SSN), which is defined as intentionally communicating or otherwise making available an individual's SSN to the general public or to an individual's coworkers. The law also prohibits requiring an individual to transmit his or her SSN over the Internet unless the connection is secure or the SSN is encrypted; requiring an individual to use his or her SSN to access an Internet web site, unless a password, unique personal identification number, or other authentication device is also required; or to use his or her SSN as an employee number for any employment-related activity.

Statute: §407.1355: <http://www.moga.mo.gov/statutes/c400-499/4070001355.htm>

Victim Assistance:

Mandatory Police Reports: Under Missouri law, a victim of identity theft has the right to contact the local law enforcement agency where he lives and request that an incident report be prepared and filed, even if the jurisdiction lies elsewhere for investigation and prosecution. Nothing in the law interferes with the discretion of a local law enforcement agency to allocate resources for investigations of crimes. Incident reports prepared and filed under this section are not considered an open case for the purpose of compiling open case statistics.

Statute: §570.222: <http://www.moga.mo.gov/statutes/C500-599/5700000222.HTM>

Security Freeze: All Missouri consumers are allowed to place security freezes on their consumer credit reports to prevent new accounts from being opened in their names. Such a freeze enables the consumer to prevent anyone from looking at his/her credit file for the purpose of granting credit unless the consumer chooses to allow a particular business look at the information. To request a freeze, a consumer must request one in writing by certified mail or by telephone, fax, the Internet, or other electronic media if the credit reporting agency has developed procedures for consumers to do so.

The reporting agency must place the freeze within five business days after receiving the request, and within ten days of placing the request, must send a written confirmation of the freeze and provide the consumer with a unique personal identification number or password to be used by the consumer when providing authorization for the release of his credit for a specific party or period of time. Requests for a temporary unlocking of the freeze must be completed within three business days if received by mail. If a consumer reporting agency offers the option to consumers to request a temporary unlocking of the freeze through Internet and telephonic methods, the freeze must be placed within 15 minutes after the consumer's request is received by the agency during normal business hours.

Consumer reporting agencies may charge a fee of \$5 to place the original security freeze or to temporarily unlock the freeze. However, victims of identity theft with a valid police report or investigative complaint may not be charged.

Statute: §407.1380-84: <http://www.moga.mo.gov/statutes/C400-499/4070001382.HTM>

Restitution: In addition to any other penalties, the court may order that a person convicted of identity theft make restitution to any victim of the offense. Restitution may include payment for any costs, including attorney fees, incurred by the victim in clearing the credit history or credit rating of the victim; and in connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising from the actions of the defendant.

Statute: §570.223: <http://www.moga.mo.gov/statutes/C500-599/5700000223.HTM>

Civil Suits: Victims of identity theft, or if the victim is deceased, his estate, may bring a civil action against the perpetrator to recover \$5000 for each incident, or three times the amount of actual damages, whichever is greater. Victims may also file civil suits to enjoin and restrain future violations. Civil actions must be brought within five years from the date on which the identity of the wrongdoer was discovered or reasonably should have been discovered. Civil action does not depend on whether a criminal prosecution has been or will be instituted.

Statute: §570.223: <http://www.moga.mo.gov/statutes/C500-599/5700000223.HTM>

A civil suit may be filed in the county in which the offense is committed; if the offense is committed partly in one county and partly in another, or if the elements of the offense occur in more than one county, then in any of the counties where any element of the offense occurred; in the county in which the defendant resides; in the county in which the victim resides; or in the county in which the property obtained or attempted to be obtained was located.

Statute: §506.290: <http://www.moga.mo.gov/statutes/c500-599/5060000290.htm>

State Resources:

Office of the Attorney General, “Identity Theft”
(<http://www.ago.mo.gov/publications/idtheft.htm>)

This site directs victims to: *“File a police report and keep a copy: Many banks and creditors will ask for it. Also, prosecutors can seek restitution from the thief.”*

It also directs victims to complete and file the “Identity Theft Complaint Form” with the Office of the Attorney General: <http://www.ago.mo.gov/forms/idtheftcomplaintform.pdf>

“Identity Theft Hotline” (1-800-392-8222)

The Attorney General’s Office has set up a hotline to help Missouri residents recognize and report identity theft. Complaint investigators also will help advise victims of identity theft.

“Identity Theft Quiz” (<http://ago.mo.gov/cgi-bin/ConsumerCorner/quizzes/identitytheft.cgi>)

Missouri State Highway Patrol, “Are You a Victim of Identity Theft: What To Do If It Happens To You”

<http://www.mshp.dps.mo.gov/MSHPWeb/Publications/Brochures/documents/SHP-188.pdf>)

This brochure directs victims to: *“Report the crime to the law enforcement agency with jurisdiction in your case. Give them as much documented evidence as possible. Get a copy of your police report. Keep the police report number handy and give it to creditors and others who require verification of your case. Credit card companies and banks may require you to show the report to verify the crime.”*

Legislation:

2008:

HB 1384 allows state residents to place security freezes on their credit reports to prevent new accounts from being opened in their names. A security freeze prevents anyone from looking at a credit file for the purpose of granting credit unless the consumer chooses to allow a particular business look at the information. Consumer reporting agencies may charge a fee of \$5 to place the original security freeze or to temporarily unlock the freeze. However, victims of identity theft with a valid police report or investigative complaint may not be charged.

The legislation also requires law enforcement agencies to provide identity theft victims who live in their jurisdiction with an incident report, even if the jurisdiction for investigation and prosecution lies elsewhere.

The bill also makes it a felony to create five or more forged pieces of identification with the intention of distributing them.

2005:

HB 353 prohibits employers from requiring a person to use his or her Social Security number as an employee number for any type of employment-related activity. It also prohibits publicly posting or displaying an individual’s Social Security number to an individual’s co-workers.

2004:

Under **HB 959**, identity thieves will face tougher sentences and may be sued for damages. Under the new law, fines and jail terms will be tied to the value of the goods or services obtained by a thief using stolen identity. The previous law provided simply for maximums of six months in jail for a first offense, one year for a second offense and five years for subsequent offenses. The new law also allows victims of identity theft to sue the suspected offender, regardless of whether criminal charges have been filed, and recover damages of up to \$5,000 or triple the actual damages, whichever is greater. In addition, the law makes it a felony to steal someone else's identity to commit election fraud.

2003:

SB 61 prohibits a person or business from publicly displaying a person's Social Security number. It also prohibits requiring a person to send their Social Security number over the Internet, unless it is encrypted or otherwise made secure, or requiring an individual to use his or her Social Security number to access an Internet web site, unless a password, unique personal identification number, or other authentication device is also required.