

ALABAMA

IDENTITY THEFT RANKING BY STATE: Rank 17, 69.6 Complaints Per 100,000
Population, 3221 Complaints (2008)
Updated July 3, 2008

Current Laws:

Identity Crime: A person commits the crime of identity theft if, without authorization, consent or permission of the victim, and with the intent to defraud for his own benefit or the benefit of another, does any of the following:

- Obtains, records, or accesses identifying information that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of the victim.
- Obtains goods or services through the use of identifying information of the victim.
- Obtains identification documents in the victim's name.

“Identifying information” is defined as any information, used alone or in conjunction with other information, that specifically identifies a person or a person’s property, and includes, but is not limited to, any of the following information related to a person:

- Name, date of birth, Social Security number;
- Social Security number;
- Driver’s license number;
- Financial services account numbers, including checking and savings accounts, credit or debit card numbers, and personal identification numbers (PIN);
- Electronic identification codes, or automated or electronic signatures;
- Biometric data or fingerprints;
- Passwords;
- Parent’s legal surname prior to marriage;
- Any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods or services.

“Identification documents” includes any papers, cards, or other documents issued by federal, state, or local governmental authorities that are used specifically to identify a person. They include, but are not limited to, driver's licenses, military identification cards, passports, birth certificates, Social Security cards, and other government-issued identification cards.

Identity theft is a Class C felony, punishable by a prison term of up to ten years in prison and/or a fine up to \$10,000, with a minimum term of one year and one day. The crime of identity theft does not include obtaining the identity of another for the sole purpose of obtaining alcoholic beverages, tobacco, or another privilege denied to minors. The statute of limitations for prosecutions is seven years after the commission of the offense.

Statute: §13A-8-192: <http://www.legislature.state.al.us/CodeofAlabama/1975/13A-8-192.htm>

If a person possesses five or more identification documents of the same person or possesses identification documents of five or more people, he is guilty of trafficking in stolen identities, a class B felony punishable by two to twenty years in prison and/or a fine up to \$30,000. A person is guilty of trafficking in stolen identities if he, without the authorization, consent, or permission of the victim, manufactures, sells, transfers, purchases, or possesses, with intent to manufacture, sell, transfer, or purchase, identification documents or identifying information for the purpose of committing identity theft.

Statute: 13A-8-193: <http://www.legislature.state.al.us/CodeofAlabama/1975/13A-8-193.htm>

Jurisdiction: Identity theft crimes can be prosecuted in any county in which any part of the crime took place, regardless of whether the defendant was ever actually present in that county, or in the county of residence of the victim.

Statute: §13A-8-196: <http://www.legislature.state.al.us/CodeofAlabama/1975/13A-8-196.htm>

Payment Cards: A person commits the crime of illegal possession of a credit or debit card if, knowing that he or she does not have the consent of the owner, takes, exercises control over, or otherwise uses the card. It also applies to a person who uses, attempts to use, or allows to be used, a credit or debit card for the purpose of obtaining property, services, or anything else of value with knowledge that the card is stolen; has been revoked or cancelled; or for any other reason the use of the card is unauthorized by either the issuer or the person to whom the card is issued. Violations are a Class C felony.

Statute: §13A-9-14: <http://www.legislature.state.al.us/CodeofAlabama/1975/13A-9-14.htm>

Victim Assistance:

Restitution: A person found guilty of identity theft will be ordered to make restitution for financial loss caused by the criminal acts to any person whose identifying information was appropriated. Financial loss may include any costs incurred by the victim in correcting his or her credit history or credit rating; or any costs incurred in connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligations resulting from the theft of the victim's identification documents or identifying information, including lost wages and attorney's fees. The court may order restitution for financial loss to any other person or entity that suffers a loss from the violation.

Statute: §13A-8-195: <http://www.legislature.state.al.us/CodeofAlabama/1975/13A-8-195.htm>

Civil Suits: In addition, victims who have suffered a loss due to identity theft crimes can bring an action in his or her county of residence or any county in which any part of the crime took place, regardless of whether the defendant was ever actually present in that county, against the defendant to cover the following: \$5000 for each incident, or three times the actual damages, whichever is greater, and reasonable attorney's fees and court costs. The statute of limitations is seven years from the date of discovery of the offense or the date when the offense reasonably should have been discovered.

Statute: §13A-8-199: <http://www.legislature.state.al.us/CodeofAlabama/1975/13A-8-199.htm>

Criminal History Records: In any case in which a person obtains identification documents or identifying information of another person and uses the documents or information to commit a crime in the name of another person, the court records for the crime must reflect that the victim of this act did not commit the crime.

Statute: §13A-8-197: <http://www.legislature.state.al.us/CodeofAlabama/1975/13A-8-197.htm>

The sentencing court can issue any orders necessary to correct any public or private record that contains false information as a result of any offense that involves identity theft.

Statute: §13A-8-198: <http://www.legislature.state.al.us/CodeofAlabama/1975/13A-8-198.htm>

Credit Blocking: People who believe that they are identity theft victims can ask credit reporting agencies to block and not report information appearing on their credit reports as a result of the crime. Within 30 days after receiving the request and a court order detailing the identity theft crime, the agency must stop reporting any information that resulted from the crime. The agency must also promptly notify the person or business that furnished the information in the police report and the effective date of the block.

Statute: §13A-8-200: <http://www.legislature.state.al.us/CodeofAlabama/1975/13A-8-200.htm>

Identity Documents: Upon the request by a victim of identity theft, identification documents issued by a state, county, or municipal agency and used to perpetuate an identity theft crime must be reissued at no charge to the victim.

Statute: §13A-8-201: <http://www.legislature.state.al.us/CodeofAlabama/1975/13A-8-201.htm>

State Resources:

Office of the Attorney General: “Identity Theft”

(<http://www.familyprotection.alabama.gov/identity.cfm>)

“Take Action to Prevent Identity Theft”

(<http://www.familyprotection.alabama.gov/identity.cfm?Action=2>)

“If Your Identity Is Stolen” (<http://www.familyprotection.alabama.gov/identity.cfm?Action=3>)

This site directs victims to: “**Report Theft To Law Enforcement And The Federal Trade Commission (FTC).** Many creditors will require you to provide them with a police report to document the crime. It is important that you contact law enforcement as soon as possible and that you be prepared to provide them with any documentation you have of the fraud.

“Additional Tips for Specific Types of ID Theft”

(<http://www.familyprotection.alabama.gov/identity.cfm?Action=4>)

This site contains information on additional steps victims should take, depending on the type of identity theft that has occurred.

“Form To Track Credit Bureau / FTC / Law Enforcement Reporting:”

(http://www.familyprotection.alabama.gov/documents/id_form_creditlaw.pdf)

Legislation:

2006:

SB 68 makes all incidents of identity theft a Class C felony, removing a misdemeanor offense. Previously, identity theft was only a felony if there was a loss of at least \$500 or the defendant had been previously convicted of identity theft. The bill also sets a statute of limitation of seven years for identity theft crimes. In addition, the bill authorizes victims to request the court to enter an order for the public and private records of the victim to be corrected.

2001:

SB 144 makes it a crime to obtain someone's identifying information without that person's permission if the intent is to obtain goods and services, help another person obtain goods and services, or obtain identification documents in another person's name. The law provides up to twenty years in prison for people who use stolen identities, including another person's Social Security number, driver's license, bank account and credit card numbers, for illicit profit. It also allows victims to obtain restitution through the criminal courts and bring civil suits against the thieves for three times the loss.