

WYOMING

IDENTITY THEFT RANKING BY STATE: Rank 17, 169.1 Complaints Per 100,000
Population, 884 Complaints (2007)
Updated December 30, 2008

Current Laws: Any person who willfully obtains personal identifying information of another person, and uses that information for any unlawful purpose, including to obtain, or attempt to obtain, credit, goods, services or medical information in the name of the other person without the consent of that person is guilty of theft of identity.

“Personal identifying information” means the name, address, telephone number, driver’s license number, Social Security number, place of employment, employee identification number, tribal identification card number, mother’s maiden name, demand deposit account number, savings account number, or credit card number of an individual person.

Theft of identity is a felony punishable by up to ten years in prison and a fine up to \$10,000, if an economic benefit of \$1000 or more was gained or was attempted to be gained by the defendant. If the economic benefit gained or attempted to be gained is less than \$1000, it is a misdemeanor punishable by up to six months in jail and a fine up to \$750.

Statute: §6-3-901:

<http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title6/T6CH3AR9.htm>

Payment Cards: A person is guilty of unlawful use of a credit card if, with the intent to obtain property or services by fraud, he uses a credit card, or the number or description of a credit card, issued to another person without the consent of that person; uses a card that he knows has been revoked, cancelled or expired; or knowingly uses a falsified, mutilated, or altered credit card or number. It is a felony punished by up to ten years in prison and a fine up to \$10,000 if the value of the property or services purchased or obtained is more than \$1000. It is a misdemeanor punishable by up to one year in jail and a fine of up to \$750 if the value is below \$1000.

Statute: §6-3-802:

<http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title6/T6CH3AR8.htm>

Scanning Devices: State law prohibits the use of a scanning device or re-encoder that is used to obtain or record encoded information from the magnetic strip of a payment card. 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 re-encoder is an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card. Unlawful skimming is a felony, punishable by up to five years in prison and a fine up to \$10,000 for a first conviction, and ten years in prison and up to \$25,000 in fines for second or subsequent convictions.

Statute: §6-3-803:

<http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title6/T6CH3AR8.htm>

Victim Assistance:

Restitution: If restitution is ordered by the court, it may include payment for any costs incurred by the victim, including attorney fees, any costs incurred in clearing the credit history or credit rating of the victim or in connection with any civil or administrative proceeding to satisfy any debt, lien or other obligation of the victim arising as a result of the actions of the defendant.

Statute: §6-3-901:

<http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title6/T6CH3AR9.htm>

Security Freeze: All Wyoming consumers are allowed to place security freezes on their consumer credit reports to prevent others from opening new accounts 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, an identity theft victim must request one in writing by certified mail to the credit reporting agencies. Credit reporting agencies may charge \$10 for each security freeze, removal of a security freeze, or temporary lifting of a freeze for a period of time. However, victims of identity theft with a valid police report may not be charged.

The reporting agency must place the freeze within five business days after receiving the request, and within ten days must send a written confirmation of the freeze and provide the consumer with a unique personal identification number or password to be used 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. However, temporary unlocking must be completed within 15 minutes if the consumer's request is received through an electronic contact method or by telephone, during normal business hours.

Text of Legislation: <http://legisweb.state.wy.us/2007/Enroll/SF0053.pdf>

How to Place a Security Freeze in Wyoming:

www.consumersunion.org/pdf/security/securityWY.pdf

Security Breach: State law requires businesses operating in the state that own or license computerized data that include personal identifying information to notify consumers when their personal information is compromised during a security breach, putting them at risk of identity theft. A security breach occurs upon "unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity" of personal identifying information. If a business becomes aware of a breach of the security of the system, it must conduct a reasonable and prompt investigation to determine the likelihood that personal identifying information has been or will be misused. If so, it must notify consumers in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement.

Personal information means an individual's first name or first initial and his/her last name, in combination with any one or more of the following data elements, when either the name or the data elements are not redacted: Social Security number; driver's license or Wyoming

identification card number; an account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to the individual's financial account; federal or state government-issued ID card, or tribal identification card. Publicly available information is not included.

Notification can be provided to the affected persons by mail or e-mail. If the cost of providing regular notice would exceed \$10,000 for Wyoming-based businesses and \$250,000 for all other businesses, the amount of people to be notified exceeds 10,000 for Wyoming-based businesses or 500,000 for all other businesses, or the entity or business does not have sufficient contact information, substitute notice may be provided. When substitute notice is used, it must consist of all of the following, as applicable: e-mail notice, conspicuous posting on the entity's web site, and notification to statewide media, including a toll-free phone number where an individual can learn whether or not his/her personal data is included in the security breach.

Text of Legislation: <http://legisweb.state.wy.us/2007/Enroll/SF0053.pdf>

Criminal Identity Theft: State law allows a person who reasonably believes he is the victim of identity theft to petition a court for a factual declaration of innocence. It seeks to assist victims of criminal identity theft, in which the perpetrator of the theft was arrested for, cited for, or convicted of a crime under the victim's identity, where a criminal complaint has been filed against the perpetrator in the victim's name, or where the victim's identity has been mistakenly associated with a record of criminal conviction. After a court has issued a declaration of factual innocence, the court may order the name and associated personal identifying information contained in court records, files and indexes accessible by the public be deleted, sealed, or labeled to show that the data is impersonated and does not reflect the defendant's identity.

The Attorney General will develop and maintain a database of individuals who have been victims of identity theft and have received factual declarations of innocence. This database will be accessible through a toll-free number to criminal justice agencies, victims of identity theft, and individuals and agencies authorized by the victim.

Text of Legislation: <http://legisweb.state.wy.us/2007/Enroll/SF0053.pdf>

In any case in which a person willfully obtains personal identifying information of another person, and without the authorization of that person uses that information to commit a crime, and is convicted of that crime, the court records must reflect that the person whose identity was falsely used to commit the crime did not commit the crime.

Statute: §6-3-901:

<http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title6/T6CH3AR9.htm>

Civil Suits: A person who is a victim of identity theft may file a civil suit to stop the activity and to seek damages.

Statute: §1-1-128: (must scroll down to appropriate section)

<http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title1/T1CH1.htm>

State Resources:

The Office of the Attorney General, Division for Victim Services, provides information to assist victims of crimes. Information and complaint forms are available at 800-438-5799.

Department of Transportation, “Stolen Driver Licenses, Identification Cards, and Identity Theft Victims (<http://dot.state.wy.us/Default.jsp?sCode=drvaa>)

“If you are a victim of identity theft or have had your Wyoming driver license or ID card stolen, before you can obtain a new card, you MUST file a written report with the local law enforcement agency. Once filed, you are required to present a copy of the report, along with any other documentation that will verify your identity to be issued a new driver license or ID card with a new #. You are required to complete an application form and pay the renewal fee because the driver license is issued for another 4 years and/or a new ID card is issued that doesn't expire. This is the ONLY way you can obtain another driver license or identification card with a different assigned number.”

Legislation:

2007:

SF 53 seeks to help consumers protect themselves from identity theft. It requires companies that collect and maintain computerized records containing consumer’s personal information to notify affected consumers in the event that personal data is compromised. It also allows consumers to place security freezes on their consumer credit reports to prevent identity thieves from opening new accounts 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.

In addition, it provides a way for identity theft victims to more swiftly clear their names. After a court hearing, they can now obtain a factual declaration of innocence from a judge testifying to their innocence that would be placed into a database of identity theft victims maintained by the Wyoming attorney general.

2005:

HB 205 prohibits the use of a scanning device or re-encoder that is used to obtain or record encoded information from the magnetic strip of a payment card. 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 re-encoder is an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card. Violations are a felony, punishable by up to five years in prison and a fine up to \$10,000 for a first conviction, and ten years in prison and up to \$25,000 in fines for second or subsequent convictions.