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Identity Theft Fact Sheet

A Growing and Evolving Problem

Identity theft is a damaging crime that can destroy a person's economic security. The broad range of crimes that comprise identity theft evolved rapidly over the last decade or so, forcing lawmakers and prosecutors to find the best way to hold offenders responsible. The result is a patchwork of laws and amendments that do not provide adequate tools to combat the modern realities of identity theft, especially the most insidious forms of identity theft in which the largest sums are stolen or multiple people are victimized.

How Can Identity Theft Be Stopped?

In order to protect New Yorkers from being doubly victimized – first from identity thieves and then from Penal Laws that don't hold offenders accountable for their crimes – I am partnering with Assemblyman Bing and the legislature to create a new Penal Law Article 191, which contains modernized, consistent identity theft laws.

Identity Thieves Often Target Multiple Victims and Steal Large Amounts of Money

An arrest of a single identity thief often represents the victimization of dozens or even hundreds of people. Similarly, one arrest can represent the theft of as little as hundreds of dollars or as much as tens of thousands of dollars. Currently, however, the highest-level identity theft crime – regardless of the number of victims or the amount of money stolen -- is a Class D felony. This revised article would expand the criminalization of identity theft into five levels, ranging from a Class A misdemeanor to a Class B felony, which would mirror the long-standing Grand Larceny laws, appropriately penalizing offenders based on the gravity of their crime(s).

Identity Theft Laws Need to be Qualifying Crimes for Enterprise Corruption

This minor amendment would allow the organized criminal groups that fuel much of the identity theft operations to be prosecuted properly for their massive operations (i.e. enterprise corruption).

Identity Theft Does Not Respect County Borders

Identity thieves do not constrain their criminal activity to a single county. Currently, the crime of Identity Theft can be prosecuted across counties, but the "companion crimes" that, by nature, accompany identity theft (such as larceny or theft of services) can only be prosecuted in the county in which they occurred. This means that a single identity thief, who steals an identity and purchases goods around the city, has to be prosecuted for the relatively small crimes in each of the boroughs. Expanding the venue provision would allow these companion crimes to be prosecuted along side the identity theft crimes. This is pragmatic legally and financially – defenders, prosecutors, courts, and defendants will no longer need to try parts of the same case in multiple counties, wasting resources and risking claims of double jeopardy.