

SENATE BILL 1641
By Fowler

AN ACT to amend Tennessee Code Annotated, Title 39, relative to
identity theft.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 3, is amended by
adding the following as a new section:

39-16-3___. (a) A person commits the offense of identity theft who:

(1) Knowingly furnishes false information with the intent to deceive
anyone as to such person's true identity or the true identity of another person;

(2) Knowingly, and with the intent to deceive, uses a Social Security
account number to establish and maintain business or other records; or

(3) With the intent to deceive, falsely represents a number to be the
Social Security account number assigned to such person or another person,
when in fact the person knows the number is not the Social Security account
number assigned to such person or the other such person; or

(4) Knowingly alters a Social Security card, buys or sells a Social
Security card or counterfeit or altered Social Security card, counterfeits a Social
Security card, or possesses a Social Security card or counterfeit Social Security
card with intent to sell or alter it.

(b) Identity theft is a Class E felony.

(c) Any person aggrieved by the act of any person in violation of this section may bring a civil action in a court of competent jurisdiction to recover:

(1) Such preliminary and equitable relief as the court determines to be appropriate; and

(2) The greater of:

(A) Actual damages; or

(B) Liquidated damages of up to ten thousand dollars (\$10,000).

(d) In addition to any damages and other relief awarded pursuant to subsection (c) of this section, if the aggrieved individual prevails in a civil action, the court may assess against the defendant reasonable attorney fees and any other litigation costs and expenses, including expert fees reasonably incurred by the aggrieved individual.

SECTION 2. This act shall take effect July 1, 1999, the public welfare requiring it.