



# **OKLAHOMA LAWS RELATING TO IDENTITY THEFT**

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BY  
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A program of the Texas Legal Services Center supported by Grant No. 2007-VF-GX-K032 awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

# OKLAHOMA LAWS RELATING TO IDENTITY THEFT

## Introduction:

Identity theft takes place when someone uses your personal information (e.g. name, Social Security number, debit/credit card number, etc.) without your permission in order to commit fraud or other illegal activities. The State of Oklahoma has criminal laws that punish those that commit identity theft and civil laws that provide damages and other remedies to victims of identity theft. The following is a list of the Oklahoma statutes that relate to identity theft.

## Common Carriers:

**Okla. Stat. tit. 13, § 176.3, *Security of Communications Act- Prohibited Acts-Felonies.*** It is unlawful in the State of Oklahoma to maliciously and intentionally intercept any wire, oral, or electronic communication without legal authorization. This crime is punishable by a fine not exceeding \$5,000, imprisonment of up to 5 years, or both.

## Contracts:

**Okla. Stat. tit. 15, § 776.1, *Fraudulent Use of Electronic Mail.*** It is against the law in Oklahoma to initiate an electronic mail message (e-mail) when the sender knows that the e-mail does not contain an identifying point of origin or contains false, misleading, or malicious material that could purposefully or negligently injure a person. Violators are subject of a civil penalty of up to \$500.00.

**Okla. Stat. tit. 15, §§ 776.10-776.11 et. seq., *Anti-Phishing Act.*** It is illegal in Oklahoma for any person involved in a business that provides internet access service to the public, web-page owners, or an owner of a trademark to create a web page or internet domain name that is represented as a legitimate online business without the authorization of the registered owner of the business and use a web page, a link to a web page, a domain name, or another site on the internet to induce, request, or solicit another person to provide identifying information for a purpose that the other person believes is legitimate. Civil penalties include a \$100,000 fine for each violation, and injunctive relief.

**Okla. Stat. tit. 15, § 776.23, *Anti-Caller ID Spoofing Act.*** In Oklahoma, a caller may not knowingly insert false information into a caller identification system with the intent to mislead, defraud, or deceive the recipient of a telephone call.



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Violators of this act are subject to incarceration for up to 1 year, and up to a \$10,000 fine per incident; or both.

### **Crime and Punishment:**

**Okla. Stat. tit. 21, § 1533.1, *Fraudulently Obtaining Personal Identity of Others.*** It is unlawful for any person to willfully and with intent to defraud to obtain personal identifying information, including but not limited to name, address, Social Security number, date of birth, place of business of employment, debit/credit account numbers, driver license numbers, etc. The law applies whether the victim is living or dead. Violators can receive up to \$100,000.00 fine and 1-5 years imprisonment.

**Okla. Stat. tit. 21, § 1533.2, *Obtaining Personal, Financial or Other Information of Another From a Financial Institution.*** It is unlawful for any person to willfully and knowingly obtain, or attempt to obtain, another person's personal, financial, or other information from a financial institution by means of any false or fraudulent statement/document made to any office, customer, employer, or agent of such financial institution. Penalties include up to a 10 year imprisonment, and the possibility of court-ordered restitution.

**Okla. Stat. tit. 21, § 1533.3, *Victims of Identity Theft-Right To Contact Local Law Enforcement Where Victim is Domiciled-Incident Report.*** Victims of identity theft have a right to contact their local law enforcement and receive an incident report for such a crime in the area where they live regardless of whether the crime actually took place in the same locale as where the report was filed.

**Okla. Stat. tit. 21, §§ 1550.22-1550.33, *Oklahoma Credit Card Act of 1970.*** Under the Oklahoma Credit Card Act of 1970 it is a crime to (a) take a credit or debit card from the person, possession, custody, or control of another without the cardholder's consent; (b) hold or conceal a credit or debit card which has been lost or mislaid; (c) sell or buy a debit or credit card from a person other than the issuer; (d) intend to defraud any person who obtains control over a credit or debit card as security for debt; (e) receive, on giving any consideration, credit or debit cards issued to any other person; (f) falsely make or emboss a debit or credit card without authorization of the issuer; (g) have possession of a signed or unsigned credit or debit card or to sign a credit or debit card without the express authorization of the cardholder; (h) use a credit or debit card that any person knows is forged or revoked; (i) fail to furnish money, goods, or services, represented to have been furnished upon presentation of a debit or credit card by the cardholder; (j) possess one or more incomplete credit or debit cards with intent to complete them without the consent of the issuer. Violations of the Oklahoma Credit Card Act may result in a fine of up to \$3000.00 dollars, imprisonment in the state penitentiary of up to 7 years.



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**Okla. Stat. tit. 21, § 1550.42, *Entities Allowed to Create Identification Document, Cards, or Certificates.*** In Oklahoma, only businesses, companies, corporations, service organizations, and federal, state, and local governmental agencies are allowed to make or create identification documents, cards, or certificates for employee identification, customer or member identification, or other purposes required by law.

**Okla. Stat. tit. 21, § 1550.43, *False Identification Document, Cards or Certificates.*** Any false or fraudulent identification document, card or certification in violation of the Oklahoma statutes that is possessed, transferred, sold, or offered for sale, shall be seized.

**Okla. Stat. tit. 21, § 463, *Offering False or Forged Instruments for Recordation.*** Any person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, shall be guilty of a felony.

**Okla. Stat. tit. 21, §§ 1561-1624, *Forgery.*** It is unlawful in the State of Oklahoma for any person with intent to defraud to forge, counterfeit, or falsely alter: (a) any will or codicil or certificate of the proof of any deed, will, codicil, or other instrument; (b) stock certificates or securities; (c) State, Public, Court, or corporate seals; (d) any record of any will, codicil, conveyance, any record of any judgment in a court of record or any enrollment of any decree in a court of equity; (e) entries in a book of record or abstract; (f) certification of acknowledgement of conveyance; (g) engraving plates; (h) coins, or coins with intent to export; (i) court instruments, licenses, or property instruments; (j) tickets or checks entitling an individual to passage; or (k) postage stamps; or to possess forged notes or instruments or any other forged instruments; or to falsely procure a signature. The partial erasure or obliteration of any instrument of writing is considered the same as forgery. Forgery is punishable in Oklahoma by a prison sentence ranging from 7 to 20 years.

**Okla. Stat. tit. 21, § 1742.2, *Unlawful Use of a Recording Device Act.*** It is unlawful in Oklahoma to obtain, sell, or receive telephone records by fraud. Violators can face 5 to 20 years in prison, depending on the specifics of the offense.

**Okla. Stat. tit. 21, § 1779, *Defacing or Destroying Written Instruments.*** The intentional mutilation, obliteration, tearing, defacing, or other destruction rendered by one party upon the written property of another is treated in same manner as forgery.



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## **Criminal Procedure:**

**Okla. Stat. tit. 22, § 19a, *Expungement in Event of Identity Theft.*** In Oklahoma when a criminal charge is dismissed because the court finds that the defendant was charged as a result of identity theft, the court may enter an order for expungement of law enforcement and court records relating to the charge if requested by the identity theft victim.

**Okla. Stat. tit. 22, § 19b, *The Oklahoma Identity Theft Passport Program.*** After an individual has obtained an order of expungement and sealing of records on the grounds that the person has been charged or arrested or has a warrant for a crime that was committed by another as a result of identity theft, and after the person has filed an identity theft report with a Federal, State, or Local law enforcement agency, and has submitted it to one or more consumer reporting agencies, then that person may apply for an identity theft passport. An identity theft passport is for use only by law enforcement authorities and is attached to the records of the affected individual for purposes of criminal background checks and law enforcement telecommunications checks.

**Okla. Stat. tit. 22, § 991a-3, *Restitution for Property Unlawfully Obtained and Sold, Traded, Pawned, etc.-Civil Action.*** In Oklahoma, if property is unlawfully obtained and sold, traded, bartered, pledged or pawned, the court may order the defendant to provide civil restitution to the buyer, recipient, or pledgee of the property.

**Okla. Stat. tit. 22, § 991a-17, *Elderly and Incapacitated Victim's Protection Program Punishment for Conviction Under the Elderly and Incapacitated Victim's Protection Program.*** Whenever a person is convicted of an offense in which the victim is elderly or incapacitated, this Oklahoma statute provides for heightened punishment.

## **Debtor and Creditor:**

**Okla. Stat. tit. 24, §§ 151-159, *The Oklahoma Consumer Report Security Freeze Act.*** Oklahoma law stipulates that consumer may request a credit freeze on his or her consumer report. The request must be in writing and sent by certified mail. The consumer reporting agency shall place a freeze on a consumer report no later than 5 business days after receiving the request with proper identification. While the freeze is in place, the consumer may contact the consumer reporting agency to allow his or her consumer report to be accessed for a specific period of time. If the consumer report was frozen due to misrepresentation of facts by the consumer, the consumer reporting agency can remove or temporarily lift a freeze. When a consumer requests an application for credit and a freeze is in place, the third party may treat the application as incomplete. A consumer



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reporting agency shall remove a security freeze within three (3) business days of receiving such a request from the consumer, provided that the consumer complies with the proper identification measures to lift the freeze. Victims of identity theft who submit, at the time the security freeze is requested, a valid copy of an incident report from a law enforcement agency relating to identity theft shall not be charged a security freeze fee. Failure to comply with this act can result in the award of actual damages sustained by the consumer.

### **Labor:**

**Okla. Stat. tit. 40, § 173.1, *Employee's Social Security Numbers.*** An employer in the State of Oklahoma shall not publicly post or display the social security number of an employee or require an employee to transmit their social security number over the internet unless it is by a secure connection or the social security number is encrypted.

### **Motor Vehicles:**

**Okla. Stat. tit. 47, § 6-106, *Application for License or Identification Card.*** Under Oklahoma law, the Department of Public Safety shall not use a person's social security number as his or her driver license number or identification card number.

### **Officers:**

**Okla. Stat. tit. 51, § 24A.8, *Oklahoma Open Records Act-Law Enforcement Agency Records Available for Public Inspection.*** Law enforcement agencies in Oklahoma shall make records of an arrestee's name, date of birth, address, race, sex, physical description, occupation, and facts concerning the arrest available for public inspection.

### **State Government:**

**Okla. Stat. tit. 74, § 3113.1, *Disclosure of Security Breach of Personal Computer Data-Notice to Owner or Licensee of Personal Data.*** In Oklahoma, any state agency, board, commission, or other unit or subdivision of state government that owns or licenses computerized data that includes personal information shall disclose any security breach of the system to any resident of Oklahoma whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

### **Trade Marks and Labels:**



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**Okla. Stat. tit. 78, § 54, *Oklahoma Deceptive Trade Practices Act- Remedies.*** Oklahoma statutes state that any person damaged or likely to be damaged by a deceptive trade practice may maintain an action in any court of equitable jurisdiction to prevent, restrain, or enjoin such deceptive trade practice.



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