

112TH CONGRESS
2D SESSION

H. R. 6330

To amend title 18, United States Code, to provide for sentencing enhancements for certain identity theft offenses victimizing the elderly, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2012

Ms. HOCHUL introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, to provide for sentencing enhancements for certain identity theft offenses victimizing the elderly, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Seniors
5 Against Identity Theft and Fraud Act of 2012”.

1 **SEC. 2. SENTENCING ENHANCEMENTS FOR CERTAIN IDEN-**
2 **TITY THEFT OFFENSES VICTIMIZING THE EL-**
3 **DERLY.**

4 (a) FRAUD AND RELATED ACTIVITY IN CONNECTION
5 WITH IDENTIFICATION DOCUMENTS, AUTHENTICATION
6 FEATURES, AND INFORMATION.—Section 1028 of title 18,
7 United States Code, is amended by adding at the end the
8 following:

9 “(j) ENHANCEMENT FOR CERTAIN OFFENSES.—If
10 the offense under subsection (a) results in harm to any
11 person 65 years of age or older, the punishment under
12 subsection (b) may be increased by an additional term of
13 imprisonment of not more than 10 years.”.

14 (b) FRAUD AND RELATED ACTIVITY IN CONNECTION
15 WITH ACCESS DEVICES.—Section 1029(c) of such title is
16 amended by adding at the end the following:

17 “(3) ENHANCEMENT FOR CERTAIN OF-
18 FENSES.—If the offense under subsection (a) results
19 in harm to any person 65 years of age or older, the
20 punishment under this subsection may be increased
21 by an additional term of imprisonment of not more
22 than 10 years.”.

23 (c) FRAUD AND RELATED ACTIVITY IN CONNECTION
24 WITH COMPUTERS.—Section 1030(c) of such title is
25 amended by adding at the end the following:

1 “(k) ENHANCEMENT FOR CERTAIN OFFENSES.—If
2 the offense under subsection (a) results in harm to any
3 person 65 years of age or older, the punishment under
4 subsection (c) may be increased by an additional term of
5 imprisonment of not more than 10 years.”.

6 (d) FRAUD AND RELATED ACTIVITY IN CONNECTION
7 WITH ELECTRONIC MAIL.—Section 1037 of such title is
8 amended by adding at the end the following:

9 “(e) ENHANCEMENT FOR CERTAIN OFFENSES.—If
10 the offense under subsection (a) results in harm to any
11 person 65 years of age or older, the punishment under
12 subsection (b) may be increased by an additional term of
13 imprisonment of not more than 10 years.”.

14 (e) FRAUDS AND SWINDLES.—Section 1341 of such
15 title is amended by adding at the end the following: “If
16 an offense under this section results in harm to any person
17 65 years of age or older, the punishment for that offense
18 may be increased by an additional term of imprisonment
19 of not more than 10 years.”.

20 (f) FICTITIOUS NAME OR ADDRESS.—Section 1342
21 of such title is amended by adding at the end the fol-
22 lowing: “If an offense under this section results in harm
23 to any person 65 years of age or older, the punishment
24 for that offense may be increased by an additional term
25 of imprisonment of not more than 10 years.”.

1 (g) FRAUD BY WIRE, RADIO, OR TELEVISION.—Sec-
 2 tion 1343 of such title is amended by adding at the end
 3 the following: “If an offense under this section results in
 4 harm to any person 65 years of age or older, the punish-
 5 ment for that offense may be increased by an additional
 6 term of imprisonment of not more than 10 years.”.

7 (h) BANK FRAUD.—Section 1344 of such title is
 8 amended by adding at the end the following: “If an offense
 9 under this section results in harm to any person 65 years
 10 of age or older, the punishment for that offense may be
 11 increased by an additional term of imprisonment of not
 12 more than 10 years.”.

13 (i) HEALTH CARE FRAUD.—Section 1347 of such
 14 title is amended by adding at the end the following:

15 “(c) ENHANCEMENT FOR CERTAIN OFFENSES.—If
 16 the offense under subsection (a) results in harm to any
 17 person 65 years of age or older, the punishment under
 18 that subsection may be increased by an additional term
 19 of imprisonment of not more than 10 years.”.

20 **SEC. 3. LIMITATION ON CONSUMER LIABILITY FOR UNAU-**
 21 **THORIZED TRANSFERS.**

22 Section 909(a) of the Electronic Fund Transfer Act
 23 (15 U.S.C. 1693g(a)) is amended in the matter preceding
 24 paragraph (2)—

1 (1) by striking “In addition, reimbursement
2 need not be made to the consumer” and inserting
3 “In addition, except as otherwise provided in this
4 section, reimbursement need not be made to the con-
5 sumer”; and

6 (2) by adding at the end the following: “If the
7 consumer is 65 years of age or older, the consumer’s
8 liability shall be no more than \$50 if the consumer
9 notifies the financial institution within 7 business
10 days or no more than \$250 if the consumer notifies
11 the financial institution within 8 to 60 days.”.

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