

## **Criminal Identity Theft**

[Criminal Identity Theft](#) occurs when your personal identifying information is used by a subject who has been contacted by law enforcement and either issued a citation or arrested. If you have been the victim of this crime please complete the [Identity Theft Affidavit](#) and contact the police department to make a report when it has been completed.

You are also allowed under the [Texas Statute](#) to have a password placed on your information file with the State of Texas to keep the suspect from continuing to do this.

### **Texas Code of Criminal Procedure Art. 60.19.**

#### *Information Related to Misused Identity*

When contacted by a police or sheriff's department regarding an identity theft, the Texas Department of Public Safety shall make a notation in the state criminal history database that the victim's identity was stolen and used as an alias in the commission of a crime and shall separate the victim's identifying information from that of the impostor. Law enforcement officers call this a "Stolen Identity File."

### **Texas Code of Criminal Procedure Art. 2.28.**

#### *Duties Regarding Misused Identity*

When a police or sheriff's department receives information showing that a person's identifying information was falsely given by a person arrested as the arrested person's identifying information, they shall notify the identity theft victim that his or her identifying information was misused by an impostor, give the victim instructions for establishing a stolen identity file with the Department of Public Safety, notify the victim of his or her right to expunction of records, and notify the Department of Public Safety.

### **Texas Government Code § 411.0421.**

#### *Information Regarding Fraudulent Use of Identification*

To establish a stolen identity file with the Department of Public Safety, a victim must sign a declaration stating that his or her identity has been used by an impostor to frustrate law enforcement without the victim's consent. This declaration is made available by the sheriff's department and district attorney's office where the victim lives. The declaration is filed with the Texas Department of Public Safety. The contents of the declaration are: victim's name, social security number, driver's license number, date of birth, and any other identifying information requested; statement that the victim's personal identifying information has been used by another person to frustrate law enforcement (must be specific about the identifiers that were used); and a name, word, number, letter, or combination of 30 or fewer characters chosen by the victim that will be used as a password. The stolen identity file must be made available to authorized users of the criminal history database.