

Penal and Vehicle Codes Regarding Driver Licenses or identification Cards

California's fraud laws prohibit acts that involve forgery and/or counterfeiting.

Penal Code 470 PC California's forgery law defines forgery as knowingly altering, manipulating, or creating a written document or instrument with the intent to obtain an undeserved personal gain.²

Counterfeiting is defined as altering, manipulating, or creating an imitation of an item intending to pass it off as genuine.

One offense that is directly in violation of these fraud laws is Penal Code 470(a) PC forging or counterfeiting driver's licenses or identification cards.

Penal Code 470(a) PC states,

"Every person who alters, falsifies, forges, duplicates or in any manner reproduces or counterfeits any driver's license or identification card issued by a governmental agency with the intent that such driver's license or identification card be used to facilitate the commission of any forgery, is punishable by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year."³

Some common violations of this law include (but are not limited to):

- changing the birth date that appears on a driver's license or identification card,
- changing the name that appears on the card,
- changing the physical description or altering the photograph that appears on the card, and
- changing the expiration date that appears on the card.

Note that nothing in the code states that the license or I.D. card has to be a California driver's license or identification card...any government issued license or I.D. card will do. What's relevant is that you engaged in the act of counterfeiting or forgery in this state.

Penal Code 470b PC -- Displaying or possessing counterfeit driver's licenses or I.D. cards

Prosecutors may additionally or alternatively charge you with Penal Code 470b PC California's law against displaying or possessing a forged or counterfeit driver's license or identification card if you *display* or *possess* a forged or counterfeit license or I.D. card.

The penalties for violating this law are the same as those for Penal Code 470(a) PC.⁷

Vehicle Code 13004 VC -- Unlawful acts involving identification cards

If your offense involves an identification card...as opposed to a driver's license...your attorney may be able to convince the prosecutor to charge you with the less serious offense of Vehicle Code 13004 VC California's law against unlawful acts involving identification cards.

A violation of this misdemeanor *only* subjects you to a maximum 6-month county jail sentence & a maximum \$1,000 fine.⁸

Vehicle Code 13004.1 VC -- Manufacturing or selling counterfeit identification cards

Another less serious offense is Vehicle Code 13004.1 VC California's law against manufacturing or selling counterfeit identification cards. This law prohibits manufacturing or selling I.D. cards that are substantially similar to those issued by the California Department of Motor Vehicles.

If you are convicted of this misdemeanor, you face a \$1,000 fine and a minimum 24 hours community service.⁹

MINORS IN POSSESSION OF FALSE IDENTIFICATION

...a far-reaching problem for law enforcement and the community.



**What Parents and
Business Owners
Need to Know**



**Encinitas Sheriff's Station
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Minors in Possession of Fake Identification

Recently, deputies at the Sheriff's Encinitas Station confirmed several incidents of area minors in possession of false identification. Though this crime is nothing new, the high quality of the fraudulent cards being manufactured is previously unmatched. The newest versions contain perfectly reproduced watermarks, holograms, micro-writing and programmed magnetic strips. The cards in local circulation so far are from Pennsylvania, Florida, Arizona, New Mexico, New York, and California.

Some of the local establishments (bars and restaurants) use ID Scanners that successfully recognize the counterfeit cards. One bar in downtown Encinitas confiscates an average of 30 cards a month. Deputies have arrested underage drinkers after the violators have used a fraudulent card to purchase alcohol at local liquor stores.

Investigation revealed the cards are manufactured in china, and the majority of the minors are purchasing the cards on-line. For two cards, they typically pay \$100.00. Federal agents have shut down one website, IDChief.com, but there are others still in operation.

Penalties

Every year, law enforcement officers confiscate hundreds of fake IDs. No matter the reason, carrying false identification is illegal.

The penalties for creating or obtaining false identification documents vary from state to state. Some states consider it a misdemeanor where others consider it a felony. Penalties for being caught with a fake ID range from fines anywhere from hundreds to thousands of dollars, loss of real Driver's license, community service and possible jail time.

A fake ID is a forged or altered identification card attempting to deceive those who would view the documents about the identity of the bearer. The ID is typically used for illegal or security purposes. Possession of fake identification is illegal in every state.

The problem of underage drinking in is increasing and there are several reasons for it. Of most concern is the ease of access to forged identity cards that are being sold around the globe and recently more and more on internet which is accessible to underage teenagers.

The Internet is littered with websites promising to create "real fake IDs" for anyone willing to pay the requested fee. Few of these sites fully explain the legal ramifications for using a fake ID. Whether the buyer's intention is to enter a nightclub, cash a fraudulent check or assume an alternate identity, it is illegal to use a false document to gain entry to a business or present yourself in a false manner. Here is the legal information you should know about fake IDs.

Getting caught with a Fake ID card frequently results in being charged with a misdemeanor or even worse. The penalties include jail time, fines, community service, and suspension of the person's real driver's license. Having the fake id is just one offense. Just by possessing the ID, the person opens him or herself to a variety of other crimes. These crimes include possession of alcohol by a minor and providing alcohol to minors. While they are "only" misdemeanors, they still go on a person's criminal record.

A state-issued identification card or driver license will contain the following security features: a hologram, bar code, digital picture, shadow picture, number code and state insignia. Many states have introduced a unique font to distinguish its identification cards and circumvent forgery. Some states use advanced security measures, complex design templates and state-wide police scanners to identify authentic identification cards. Persons found to be in possession of a fraudulent identification or driver license will be prosecuted according to state law. If that person is also in possession of alcohol, he or she will be prosecuted for being in possession of a controlled substance.

Police look for flawed holograms and missing or incorrect codes. A forger would not be able to create these codes because they are only known only by police and a state's motor vehicles department.

Fake IDs are not limited to teenagers wanting to purchase alcohol illegally. In some cases, fake IDs are used to create an alias, change one's legal identification, obtain illegal employment, purchase a handgun, cash fraudulent checks (as part of a larger check cashing operation, in many cases) and create a new identity in a new state. Regardless of the reason, fake IDs grant inappropriate access to services and is illegal.

