

1 **ESSB 5449 - H AMD WITHDRAWN 4/11/01**

2 By Representative Cairnes

3 Strike everything after the enacting clause and insert the  
4 following:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.43 RCW  
6 to read as follows:

7 The identity theft bureau is created in the Washington state  
8 patrol, to consist of law enforcement officers and representatives of  
9 county prosecuting attorneys experienced in the investigation,  
10 apprehension, and prosecution of identity theft offenders under chapter  
11 9.35 RCW. The bureau shall coordinate and assist efforts of law  
12 enforcement agencies and prosecuting attorneys in investigating,  
13 apprehending, and prosecuting offenders under chapter 9.35 RCW.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.35 RCW  
15 to read as follows:

16 ASSISTANCE TO IDENTITY THEFT VICTIMS. (1)General authority  
17 Washington law enforcement agencies, as defined under RCW 10.93.020(1),  
18 shall coordinate with financial institutions, credit reporting  
19 agencies, debt collection agencies and other pertinent business  
20 entities for the purpose of assisting crime victims in the correction  
21 of financial records containing erroneous information stemming from  
22 identity theft crimes arising under chapter 9.35 RCW.

23 (2) In a proceeding under RCW 9.35.020 in which a person's means  
24 of identification or financial information was used without that  
25 person's authorization, and when there has been a conviction, the  
26 sentencing court may issue such orders as are necessary to correct a  
27 public record that contains false information resulting from a  
28 violation of this section.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.35 RCW  
30 to read as follows:

31 (1) The following are subject to seizure and forfeiture and no  
32 property right exists in them:

1 (a) All tangible or intangible property, including any right or  
2 interest in such property, acquired by a person convicted of an offense  
3 under this chapter to the extent the acquisition is the direct or  
4 indirect result of the convicted person having committed the offense;  
5 and

6 (b) Any property acquired through the traceable proceeds of  
7 property described in (a) of this subsection.

8 (2) A seizure and forfeiture of property authorized under this  
9 section shall be conducted in accordance with the provisions of RCW  
10 7.68.320.

11 (3) The proceeds of any forfeiture action brought under this  
12 section shall be distributed as follows:

13 (a) First, any funds acquired through the traceable proceeds of  
14 property forfeited under this section to the financial institution or  
15 lender to be applied towards any indebtedness directly caused by the  
16 person convicted and which is not covered by RCW 7.68.320;

17 (b) Second, to the victims to satisfy any restitution ordered as  
18 part of the convicted person's sentence; and

19 (b) Third, to the Washington state patrol for the operation of the  
20 identity theft bureau."

21 Correct the title accordingly.

**EFFECT:** Creates an identity theft bureau, requires law enforcement  
and the courts to assist victims, and provides for the forfeiture  
of illegally acquired property.