

***Financial Institutions &
Insurance Committee***

HB 2009

Brief Description: *Creating an identity theft bureau.*

Sponsors: *Representatives Cairnes, Bush and Roach.*

Brief Summary of Bill

- *Creates an identity theft bureau in the Office of the Attorney General.*

Hearing Date: *2/21/01*

Staff: *Jean Ann Quinn (786-7310).*

Background:

Three crimes are specifically identified as identity crimes in this state: (1) Identity theft; (2) improperly obtaining financial information; and (3) soliciting undesired mail.

Identity theft, a class C felony, is defined as using or transferring another person's means of identification with the intent to commit or aid any unlawful activity harming or intending to harm the person whose identity is used, or for committing any felony. "Means of identification" means any information, not describing finances or credit, that is personal to or identifiable with an individual. Examples of information that constitute "means of identification" include: current or former name; telephone number; electronic address or identifier; social security number; driver's license number; tax identification number; and biometric data.

It is also a class C felony for a person to wrongfully obtain, attempt to obtain, or request another to obtain financial information from a financial information repository. A financial information repository is any person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person. There are exceptions to this crime, such as for law enforcement and for agents of financial information repositories working in conjunction

with law enforcement.

The misdemeanor crime of soliciting undesired mail is committed if a person knowingly uses a means of identification of another person to solicit undesired mail with the intent to annoy, harass, intimidate, torment, or embarrass that person.

In addition to the applicable criminal penalties, a person who commits any of these identity crimes is civilly liable for five hundred dollars or actual damages, including costs to repair the person's credit record, whichever is greater, and reasonable attorneys' fees. Repeated violations by a business are also considered a violation of the Consumer Protection Act

Summary of Bill:

An identity theft bureau is created in the Office of the Attorney General, consisting of assistant attorneys general, law enforcement officers, and county prosecuting attorneys experienced in identity theft investigation and prosecution. The purpose of the bureau is to coordinate and assist in the investigation, apprehension, and prosecution of identity crime offenders.

Appropriation: *None.*

Fiscal Note: *Requested on February 15, 2001.*

Effective Date: *Ninety days after adjournment of session in which bill is passed.*