

HOUSE BILL REPORT

HB 2636

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to identity theft.

Brief Description: Concerning the filing of police incident reports for victims of identity theft.

Sponsors: Representatives Pearson, O'Brien, Ericks, Ross, Hasegawa, VanDeWege, Kenney, Morrell, Roach, McDonald and Simpson; by request of Attorney General.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/21/08, 1/24/08 [DP].

Brief Summary of Bill

- Authorizes identity theft victims to file an incident report with a law enforcement agency and requires that the law enforcement agency create a police report of the matter.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Kirby.

Staff: Yvonne Walker (786-7841).

Background:

Under the Fair Credit Reporting Act, in order for a victim to have certain information blocked on his or her consumer report due to an identity theft crime that has occurred, the victim must provide the consumer reporting agency with a copy of the police report. Generally, a police incident report indicating an offense has occurred is required in order to freeze credit, to place a long-term fraud alert on a credit report, and to obtain records of fraudulent accounts from merchants.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Police incident reports are used for many reasons such as: recording arrests, domestic disputes, traffic accidents, burglaries, fraud, thefts, stalkings, violence, recording injuries, crimes, and other incidents. Washington law does not specify when, where, or if an incident report has to be created by a law enforcement officer during incidents where an identity theft crime has occurred.

Summary of Bill:

If at any time a victim learns or suspects that he or she has been a victim of an identity crime, that victim may file an incident report with a local law enforcement agency. The incident report may be filed with the local law enforcement agency in the jurisdiction where the crime occurred or in the jurisdiction of the victim's residence or place of employment.

The law enforcement agency must create a police incident report of the matter, provide the complainant with a copy of that report, and may refer the incident report to another law enforcement agency. The law enforcement agency taking the incident report is not required to investigate the identity theft report and any incident report filed is not required to be counted as an open case for purposes of compiling open case statistics.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is being brought forward by the Office of the Attorney General and the Law Enforcement Group against Identity Theft. It requires local government to create and file a report.

Identity theft continues to be one of the worst crimes happening in our state and it can happen to anyone. Approximately 91 percent of convicted identity theft thieves have prior convictions on their record and approximately 47 percent have prior convictions for a methamphetamine offense or have used or possessed methamphetamine.

Victims need to report their identity theft crime to a law enforcement agency in order to initiate an investigation and to access a number of rights that the laws give them. Credit reporting and insurance agencies will not take action on a victim's fraud complaint unless they have an incident report. This bill will help combat the identity theft problem in this state.

(Opposed) None.

Persons Testifying: Hunter Goodman, Office of the Attorney General; Susan Storey,

Law Enforcement Group against Identity Theft; and Vicky Marin, Washington Retail Association.

Persons Signed In To Testify But Not Testifying: None.