

HOUSE BILL REPORT

HB 2054

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

Title: An act relating to reporting identity theft cases.

Brief Description: Reporting identity theft cases.

Sponsors: Representatives Goodman, O'Brien, Williams, Springer, Dunshee, Simpson, Lovick, Roach, Kelley, Green, Roberts and Hurst.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/12/07, 2/15/07 [DPS].

Brief Summary of Substitute Bill

- Requires the Washington State Patrol to create a public website and call center for the filing of incident reports relating to identity crimes.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill 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 Lovick.

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.

Police incident reports are used for many reasons such as: recording arrests, domestic disputes, traffic accidents, burglaries, fraud, thefts, stalkings, violence, recording injuries,

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crimes, and other incidents. There is no statute that specifies 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 Substitute Bill:

The Washington State Patrol (WSP) must create a website and call center that is available to the public for the filing of incident reports relating to identity theft crimes.

Any time a victim learns or reasonably suspects that he or she has been a victim of an identity crime, that victim may file an incident report through the public website or the call center operated by the WSP. At a minimum, when filing an incident report, the website and call center must request, but is not limited to: the name of the person completing the form; the complainant's name, address, phone number, date, and place that the incident may have occurred; a description of the identity theft crime that has taken place; and any other information that is deemed necessary according to the WSP.

After an incident report has been filed, within 48 hours, the WSP must create an incident report of the matter, provide the complainant with a response, a case number, and a copy of the incident report filed by phone or via the internet. The WSP may also refer the incident to another appropriate law enforcement agency.

The public website must contain instructions on how to use the system for filing an incident report. The call center must be available to the public 24 hours per day.

Although a person may file an incident report through the WSP's website or call center, nothing prohibits a person from filing an incident report with a local law enforcement agency.

Substitute Bill Compared to Original Bill:

The substitute bill requires the call center to be available to the public 24 hours per day instead of from 8 a.m. to 5 p.m., Monday through Friday.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Identity theft is a growing concern in this state and we want to give victims as much protection as possible. There was a prior proposal that would have required local agencies to issue incident reports. It was thought that it might be a better idea to have a centralized location where incident reports could be issued. Because of the nature of this

crime, it does not abide by any county borders. If a person believes they may be a victim of identity theft, you will need to get an incident report in order to go to credit agencies to have your credit frozen. A website and phone number would be made available under this bill for victims. It is anticipated that local law enforcement would continue to help in these cases as victims may continue to utilize local police departments if they so choose.

This bill is to help consumers get a timely issuance of an incident report.

(Opposed) There are concerns with the bill. The Law Enforcement Group Against Identity Theft is currently studying ways to reduce identity theft crimes and one of the prime issues that they are looking at is how to get incident reports to victims in a timely manner. Because of the nature of identity theft, the original bill (HB 1271) is supported because it requires local law enforcement officers to take reports which is the more appropriate place. Local law enforcement agencies already have call centers in place.

There is concern about the hours of the call centers. The hours of 8 a.m. to 5 p.m. is the least likely time that the average citizen is going to be in the position to report an identity theft crime. Normally most people may not realize they are a victim until after they have returned home from work after 5 p.m.

There is concern that these cases, taken by a centralized call center and referred to a local agency would eventually have to be redone. Local law enforcement agencies would want to re-interview the victim and take their own reports to get all the data that the investigating officers would need.

The Federal Trade Commission is currently launching a website where incident reports can be filed and many local law enforcement agencies will be linking their systems to the national system.

The Legislature should have a year to implement the mandatory reporting bill (HB 1271) as well as the launching of and connecting to the federal website.

Persons Testifying: (In support) Representative Goodman, prime sponsor.

(Opposed) Don Pierce, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.