

SENATE BILL REPORT

SB 6354

As of January 28, 2008

Title: An act relating to identity crimes.

Brief Description: Defining the class of persons and organizations that might be criminally liable for identity crimes.

Sponsors: Senators Haugen and McAuliffe.

Brief History:

Committee Activity: Judiciary: 1/25/08.

SENATE COMMITTEE ON JUDICIARY

Staff: Dawn Noel (786-7472)

Background: Throughout Washington's laws relating to identity crimes, the word "person" is used in several places. "Person" is often referenced in defining what criminal acts are prohibited. For instance, no "person" may obtain or attempt to obtain financial information by making a false representation to an employee of a financial information repository.

"Person" is also referenced in defining a victim. For instance, no "person" may knowingly obtain the identification or financial information of another "person," living or dead, with the intent to commit, aid, or abet any crime.

"Person" is also referenced in other ways, such as in the prohibition against requesting another "person" to improperly obtain financial information, and in the requirement that a "person" who may have entered into a transaction involving an identity crime must, upon request of the victim, provide information relating to the violation.

In the chapter relating to identity crimes, "person" is currently defined by referencing a statute outside of this chapter. The referenced statute defines "person" as any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association. This definition of "person" is generally applicable throughout the criminal code.

Summary of Bill: The reference to a statute defining "person" outside of the chapter on identity crimes is removed. A new definition of person is inserted within the chapter relating to identity crimes. Under this new definition, a "person" includes any natural person, corporation, joint stock association, partnership, limited liability company, unincorporated association, professional service corporations, for-profit corporations and associations, non-profit corporations and associations, and partnerships.

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.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Corporate identity theft is real, as illustrated by this constituent's situation. This bill doesn't quite go far enough. There should be a law requiring that every new business must have a name that is not already registered with the state. This would be a simple fix towards preventing situations in which one business registers in the name of a business that already exists, and then uses the pre-existing business name to get a post office box near that of the pre-existing business and to cash the pre-existing business's checks that are misdirected to the new business's post office box.

OTHER: What happened to this constituent is no doubt identity theft. However, this bill is not the right vehicle to address the underlying concern, which could result in significant unintended consequences by having multiple definitions of "person" in the criminal code. Any change made to the definition of "person" should be made within the statute that currently contains the definition.

Persons Testifying: PRO: Senator Haugen, prime sponsor; Martin Behr, Asli Arts, Inc.

OTHER: Susan Storey, citizen.