

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1404 Session of
2002

INTRODUCED BY CORMAN, D. WHITE, ERICKSON, BELL, BOSCOLA, DENT,
ORIE, HOLL, BRIGHTBILL, HUGHES, LAVALLE, LEMMOND, MUSTO,
O'PAKE, RHOADES, TOMLINSON, C. WILLIAMS, LOGAN AND STACK,
APRIL 29, 2002

REFERRED TO JUDICIARY, APRIL 29, 2002

AN ACT

1 Providing for the Office of Identity Theft Victim Support in the
2 Pennsylvania Commission on Crime and Delinquency;
3 establishing an Identity Theft Advisory Board; and making an
4 appropriation.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Identity
9 Theft Victim Support Act.

10 Section 2. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 (1) Identity theft is a particularly lucrative type of
13 crime and is the fastest growing white collar crime in this
14 country.

15 (2) Identity theft severely impacts the lives of its
16 victims, especially in terms of their privacy and financial
17 security.

18 (3) Identity theft is increasing throughout the United

1 States and in this Commonwealth.

2 (4) The victims of identity theft need assistance in
3 recovering from the crime.

4 (5) The citizens of this Commonwealth should be informed
5 about prevention of identity theft.

6 Section 3. Definitions.

7 The following words and phrases when used in this act shall
8 have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Board." The Identity Theft Advisory Board established in
11 section 5.

12 "Commission." The Pennsylvania Commission on Crime and
13 Delinquency.

14 "Identity theft." A person commits the offense of identify
15 theft of another person if he possesses or uses personal
16 information of another person without the consent of that other
17 person to further any unlawful purpose.

18 "Office." The Office of Identity Theft Victim Support
19 established in section 4.

20 "Personal information." Any public personal information or
21 private personal information.

22 "Private personal information." Includes all information not
23 encompassed by public personal information.

24 "Public personal information." Includes a person's name,
25 sex, address and listed telephone number.

26 Section 4. Office.

27 (a) Establishment.--

28 (1) The Office of Identity Theft Victim Support is
29 established within the commission.

30 (2) The office shall be headed by an executive director

1 appointed by the commission.

2 (3) The executive director may hire staff for the office
3 as necessary to carry out the office's powers and duties.

4 (b) Functions of office.--The office shall support victims
5 of identity theft by:

6 (1) Assisting victims in reestablishing their financial
7 and other commercial records.

8 (2) Assisting victims in reclaiming their identities.

9 (3) Directing victims to appropriate law enforcement
10 agencies.

11 (4) Assisting victims in rectifying erroneous judicial
12 records that result from the victim's identity theft.

13 Section 5. Board.

14 (a) Establishment.--

15 (1) The Identity Theft Advisory Board is established as
16 a board within the Office of Identity Theft Victim Support.

17 (2) The board members shall be appointed by the
18 executive director of the office and shall include, but not
19 be limited to, the following:

20 (i) The executive director of the Office of Identity
21 Theft Victim Support, ex officio.

22 (ii) A representative of the Office of Attorney
23 General.

24 (iii) A representative of the Federal Bureau of
25 Investigation.

26 (iv) A representative of an office of the district
27 attorney.

28 (v) A representative of the Pennsylvania State
29 Police.

30 (vi) A representative of a local police agency.

1 (vii) A representative of victims of identity theft.

2 (viii) A postal service inspector.

3 (ix) Any person not above specified whom the
4 executive director may wish to appoint.

5 (3) The executive director of the Office of Identity
6 Theft Victim Support shall serve as chairperson of the board.

7 (b) Duties.--The board shall assist the office in carrying
8 out its functions. The board shall:

9 (1) Compile statistics on identity theft in this
10 Commonwealth. Statistics shall be arranged in terms of number
11 and types of cases.

12 (2) Advise Federal, State and local law enforcement
13 officers on investigation and prosecution of identity theft.

14 (3) Assist victims of identity theft as to corrective
15 and remedial measures to be taken.

16 (4) Inform the public on prevention and detection of
17 identity theft.

18 (5) Take such other appropriate action deemed necessary
19 to assist the office and the executive director.

20 Section 6. Appropriation.

21 The sum of \$500,000, or as much thereof as may be necessary,
22 is hereby appropriated to the Pennsylvania Commission on Crime
23 and Delinquency for the fiscal year July 1, 2002, to June 30,
24 2003, to carry out the provisions of this act.

25 Section 7. Effective date.

26 This act shall take effect in 60 days.