
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 217 Session of
2011

INTRODUCED BY BAKER, CLYMER, J. EVANS, MAJOR, BARRAR, BOYD,
CARROLL, GEORGE, GINGRICH, GODSHALL, GOODMAN, GRELL, GROVE,
HARHART, HARRIS, HORNAMAN, KAUFFMAN, M.K. KELLER, MCGEEHAN,
MILLARD, MILLER, MUSTIO, O'NEILL, PICKETT, RAPP, READSHAW,
SCAVELLO, VULAKOVICH, WATSON, DENLINGER, HARHAI, GILLESPIE
AND CAUSER, JANUARY 25, 2011

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 25, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for identity theft
3 verification passport.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 4121. Identity theft verification passport.

9 (a) Issuance.--

10 (1) The Attorney General in cooperation with any law
11 enforcement agency may issue an identity theft passport to a
12 person who meets all of the following criteria:

13 (i) Is a resident of this Commonwealth.

14 (ii) Learns or reasonably believes the person is a
15 victim of identity theft.

16 (iii) Has filed a police report citing that the

1 person is a victim of a violation of section 4120
2 (relating to identity theft).

3 (2) A person who learns or reasonably suspects that the
4 person is a victim of identity theft may contact the local
5 law enforcement agency that has jurisdiction where the person
6 resides. The local law enforcement agency:

7 (i) Shall make a police report of the matter whether
8 or not the agency has jurisdiction to investigate and
9 prosecute a crime of identity theft against the victim.

10 (ii) Shall provide the victim with a copy of the
11 report.

12 (iii) May refer the report to a law enforcement
13 agency with jurisdiction to investigate and prosecute a
14 crime of identify theft.

15 (3) Nothing in this subsection shall interfere with the
16 discretion of a local law enforcement agency to allocate
17 resources for investigations of crimes.

18 (4) A report filed by a victim of identity theft is not
19 required to be counted as an open case for purposes of
20 compiling open case statistics.

21 (5) A victim may apply for an identity theft passport by
22 sending a copy of the police report, an application for an
23 identity theft passport and any other supporting
24 documentation requested by the Attorney General to the Office
25 of Attorney General.

26 (6) The Attorney General shall process the application
27 and supporting police report and may issue the victim of
28 identity theft an identity theft passport in the form of a
29 card or certificate.

30 (b) Use.--A verification card or certificate issued by the

1 Attorney General may be presented to any of the following:

2 (1) A law enforcement agency to assist the agency in its
3 investigation into whether false charges were made against
4 the victim for an offense committed by a person other than
5 the victim who is using the victim's identity.

6 (2) Any creditor of the victim to aid in the creditor's
7 investigation and establishment of whether fraudulent charges
8 were made against accounts in the victim's name or whether
9 accounts were opened using the victim's identity.

10 (3) Any other entity to aid in the entity's
11 investigation of whether the victim's identity was obtained
12 fraudulently or used without the victim's consent.

13 (c) Acceptance.--Acceptance of the identity theft
14 verification passport by a law enforcement agency, creditor or
15 other entity in accordance with subsection (b) is at the
16 discretion of the law enforcement agency, creditor or entity.
17 The identity theft passport as well as surrounding circumstances
18 and available information concerning the offense of identity
19 theft against the victim may be considered in determining
20 whether to accept the identity theft passport.

21 (d) Public record.--An application for an identity theft
22 passport under subsection (a) and any supporting documentation
23 are not a public record. However, the Attorney General may
24 provide access to the applications and supporting documentation
25 to other criminal justice or law enforcement agencies in this
26 Commonwealth or another state.

27 Section 2. This act shall take effect in 60 days.