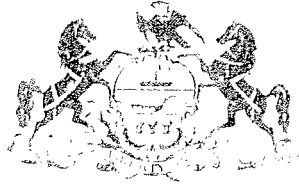


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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

**CHAIRMAN, HEALTH & HUMAN
SERVICES COMMITTEE**

POLICY COMMITTEE

CAUCUSES

FIREFIGHTERS & EMERGENCY SERVICES
LOCAL TAX REFORM
RURAL HEALTH CARE
SPORTSMEN
TIMBER

APPOINTMENTS

STATE SYSTEM OF HIGHER EDUCATION
BOARD OF GOVERNORS
PA HEALTH CARE COST CONTAINMENT
COUNCIL ACT - REVIEW COMMITTEE
CAPITOL PRESERVATION COMMITTEE

MEMORANDUM

TO: All House Members

FROM: Representative Matt Baker

DATE: 1-11-11

RE: Legislation: Identity Theft 3 Bill Package-
(Former HB's 223, 224 & 225)

As a former victim of Identity Theft and author of the current PA ID Theft Law, I am planning to re-introduce a package of legislation in the near future which would further expand Pennsylvania's identity theft statutes to provide additional safeguards for our citizens who find themselves victims of identity theft. This package contains three different pieces of legislation.

The first piece of legislation (former HB 223) amends the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, to create an action for the release of confidential birth information. This bill would make it unlawful for any person who receives information under the Right-to-Know Law to publish, republish or disclose in any manner the date of birth. This bill would allow any individual whose birth date is disclosed to bring a civil action and collect damages. The court may award actual damages arising from the publication or \$500, whichever is greater, along with reasonable attorney fees, court costs and other relief which the court deems necessary and proper. Additionally, the court may award, in its discretion up to three times the actual damages sustained, but not less than \$500. This action would not apply to a date of birth which was obtained independently of a request under the Right-to-Know Law.

The second piece of legislation (former HB 224) would require credit card issuers who mail credit card offers or solicitations to verify the address upon acceptance of the offer or solicitation if that address is different from the address to which the offer or solicitation was sent. This piece sets forth what

the credit card issuer must do in order to verify the address. Additionally, this piece provides that the person to whom the offer or solicitation was originally made will not be liable for the unauthorized use of the card issued in response to the offer or solicitation if the credit card issuer failed to verify the address, unless the issuer can prove that the person actually incurred the charge on the credit card. This bill also requires an issuer to verify an address if there has been a change of address on an account and within 10 days of that change of address an additional card is requested. The issuer shall not mail or activate the additional card unless the address has been verified. There are similar pieces of legislation in Nevada and California.

The third piece of legislation (former HB 225) allows the Attorney General, in cooperation with any law enforcement agency, to issue identity theft passports to persons who are a resident of the state, and who learn or reasonably believe he or she has been a victim of identity theft and has filed a police report citing that he or she was a victim of a violation of the Crimes Code provision relating to identity theft. The bill sets forth the application requirements necessary to obtain an identity theft passport as well as what the actual use of the passport would be. The passport provides a way for individuals to show law enforcement and various agencies that they have been a victim of identity theft. Law enforcement and various agencies are not required to accept the passport as concrete proof that the individual was a victim of identity theft. The passport in combination with the surrounding circumstances and available information may aid the agencies' investigation of the individual's claim that their identity was stolen. There are similar pieces of legislation in New Jersey and Arkansas.

I introduced a bill last session that was originally part of this legislative package, House Bill 222. That bill passed unanimously in the House & Senate and was signed into law in September of 2009 (Act 42). It is my hope that these other bills follow the same suit.

If you wish to co-sponsor this legislation, please contact Gina Strine via email at Gstrine@pahousegop.com.

Thank you!