

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 702 Session of  
2003

INTRODUCED BY CORMAN, WONDERLING, C. WILLIAMS, BRIGHTBILL,  
WOZNIAK, TOMLINSON, RHOADES, MUSTO, KITCHEN, HELFRICK, FERLO,  
DENT, BOSCOLA, STACK AND PIPPY, MAY 2, 2003

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, JUNE 8, 2004

## 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 AMENDING THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), <—  
6 ENTITLED "AN ACT PROVIDING FOR VICTIMS' RIGHTS; IMPOSING  
7 PENALTIES; ESTABLISHING REMEDIES; ESTABLISHING THE OFFICE OF  
8 VICTIM ADVOCATE, THE BUREAU OF VICTIMS' SERVICES, THE  
9 VICTIMS' SERVICES ADVISORY COMMITTEE, THE STATE OFFENDER  
10 SUPERVISION FUND AND OTHER FUNDS; AND MAKING REPEALS,"  
11 FURTHER DEFINING "PERSONAL INJURY CRIME"; FURTHER PROVIDING  
12 FOR VICTIMS' SERVICES ADVISORY COMMITTEE MEMBERSHIP AND FOR  
13 POWERS AND DUTIES OF COMMITTEE; AND MAKING AN APPROPRIATION.

14 THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

15 (1) IDENTITY THEFT IS A PARTICULARLY LUCRATIVE TYPE OF  
16 CRIME AND IS THE FASTEST GROWING WHITE COLLAR CRIME IN THIS  
17 COUNTRY.

18 (2) IDENTITY THEFT SEVERELY IMPACTS THE LIVES OF ITS  
19 VICTIMS, ESPECIALLY IN TERMS OF THEIR PRIVACY AND FINANCIAL  
20 SECURITY.

21 (3) IDENTITY THEFT IS INCREASING THROUGHOUT THE UNITED  
22 STATES AND IN THIS COMMONWEALTH.

23 (4) THE VICTIMS OF IDENTITY THEFT NEED ASSISTANCE IN

1 RECOVERING FROM THE CRIME.

2 (5) THE CITIZENS OF THIS COMMONWEALTH SHOULD BE INFORMED  
3 ABOUT PREVENTION OF IDENTITY THEFT.

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

6 ~~Section 1. Short title.~~

<—

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

9 ~~Section 2. Declaration of policy.~~

10 ~~The General Assembly finds and declares as follows:~~

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

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

17 ~~(3) Identity theft is increasing throughout the United~~  
18 ~~States and in this Commonwealth.~~

19 ~~(4) The victims of identity theft need assistance in~~  
20 ~~recovering from the crime.~~

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

23 ~~Section 3. Definitions.~~

24 ~~The following words and phrases when used in this act shall~~  
25 ~~have the meanings given to them in this section unless the~~  
26 ~~context clearly indicates otherwise:~~

27 ~~"Board." The Identity Theft Advisory Board established in~~  
28 ~~section 5.~~

29 ~~"Commission." The Pennsylvania Commission on Crime and~~  
30 ~~Delinquency.~~

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

~~"Office."—The Office of Identity Theft Victim Support established in section 4.~~

~~"Personal information."—Any public personal information or private personal information.~~

~~"Private personal information."—Includes all information not encompassed by public personal information.~~

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

~~Section 4.—Office.~~

~~(a)—Establishment.—~~

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

~~(2)—The office shall be headed by an executive director appointed by the commission.~~

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

~~(b)—Functions of office.—The office shall support victims of identity theft by:~~

~~(1)—Assisting victims in reestablishing their financial and other commercial records.~~

~~(2)—Assisting victims in reclaiming their identities.~~

~~(3)—Directing victims to appropriate law enforcement agencies.~~

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

~~Section 5.—Board.~~

1     ~~(a) Establishment.~~

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

4         ~~(2) The board members shall be appointed by the~~  
5     ~~executive director of the office and shall include, but not~~  
6     ~~be limited to, the following:~~

7             ~~(i) The executive director of the Office of Identity~~  
8     ~~Theft Victim Support, ex officio.~~

9             ~~(ii) A representative of the Office of Attorney~~  
10    ~~General.~~

11            ~~(iii) A representative of the Federal Bureau of~~  
12    ~~Investigation.~~

13            ~~(iv) A representative of an office of the district~~  
14    ~~attorney.~~

15            ~~(v) A representative of the Pennsylvania State~~  
16    ~~Police.~~

17            ~~(vi) A representative of a local police agency.~~

18            ~~(vii) A representative of victims of identity theft.~~

19            ~~(viii) A postal service inspector.~~

20            ~~(ix) Any person not above specified whom the~~  
21    ~~executive director may wish to appoint.~~

22         ~~(3) The executive director of the Office of Identity~~  
23    ~~Theft Victim Support shall serve as chairperson of the board.~~

24     ~~(b) Duties. The board shall assist the office in carrying~~  
25    ~~out its functions. The board shall:~~

26         ~~(1) Compile statistics on identity theft in this~~  
27    ~~Commonwealth. Statistics shall be arranged in terms of number~~  
28    ~~and types of cases.~~

29         ~~(2) Advise Federal, State and local law enforcement~~  
30    ~~officers on investigation and prosecution of identity theft.~~

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

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

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

~~Section 6. Appropriation.~~

~~The sum of \$500,000, or as much thereof as may be necessary, is hereby appropriated to the Pennsylvania Commission on Crime and Delinquency for the fiscal year July 1, 2003, to June 30, 2004, to carry out the provisions of this act.~~

~~Section 7. Effective date.~~

~~This act shall take effect in 60 days.~~

SECTION 1. THE DEFINITION OF "PERSONAL INJURY CRIME" IN SECTION 103 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT, AMENDED JUNE 28, 2002 (P.L.496, NO.85), IS AMENDED TO READ:

SECTION 103. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

\* \* \*

"PERSONAL INJURY CRIME." AN ACT, ATTEMPT OR THREAT TO COMMIT AN ACT WHICH WOULD CONSTITUTE A MISDEMEANOR OR FELONY UNDER THE FOLLOWING:

18 PA.C.S. CH. 25 (RELATING TO CRIMINAL HOMICIDE).

18 PA.C.S. CH. 27 (RELATING TO ASSAULT).

18 PA.C.S. CH. 29 (RELATING TO KIDNAPPING).

18 PA.C.S. CH. 31 (RELATING TO SEXUAL OFFENSES).

18 PA.C.S. § 3301 (RELATING TO ARSON AND RELATED

OFFENSES).

18 PA.C.S. CH. 37 (RELATING TO ROBBERY).

18 PA.C.S. § 4120 (RELATING TO IDENTITY THEFT).

18 PA.C.S. CH. 49 SUBCH. B (RELATING TO VICTIM AND  
WITNESS INTIMIDATION).

30 PA.C.S. § 5502.1 (RELATING TO HOMICIDE BY WATERCRAFT  
WHILE OPERATING UNDER INFLUENCE).

75 PA.C.S. § 3731 (RELATING TO DRIVING UNDER INFLUENCE OF  
ALCOHOL OR CONTROLLED SUBSTANCE) IN CASES INVOLVING BODILY  
INJURY.

75 PA.C.S. § 3732 (RELATING TO HOMICIDE BY VEHICLE).

75 PA.C.S. § 3735 (RELATING TO HOMICIDE BY VEHICLE WHILE  
DRIVING UNDER INFLUENCE).

75 PA.C.S. § 3735.1 (RELATING TO AGGRAVATED ASSAULT BY  
VEHICLE WHILE DRIVING UNDER THE INFLUENCE).

75 PA.C.S. § 3742 (RELATING TO ACCIDENTS INVOLVING DEATH  
OR PERSONAL INJURY).

THE TERM INCLUDES VIOLATIONS OF ANY PROTECTIVE ORDER ISSUED AS A  
RESULT OF AN ACT RELATED TO DOMESTIC VIOLENCE.

\* \* \*

SECTION 2. SECTION 321(B) OF THE ACT, AMENDED OCTOBER 30,  
2000 (P.L.641, NO.86), IS AMENDED TO READ:

SECTION 321. COMMITTEE.

\* \* \*

(B) MEMBERSHIP.--THE COMMITTEE SHALL CONSIST OF [15] 17  
MEMBERS:

(1) THE SECRETARY OF AGING OR A DESIGNEE.

(2) THE SECRETARY OF CORRECTIONS OR A DESIGNEE.

(3) THE SECRETARY OF PUBLIC WELFARE OR A DESIGNEE.

(4) THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE.

1 (5) THE VICTIM ADVOCATE.

2 (6) A DISTRICT ATTORNEY APPOINTED BY THE GOVERNOR.

3 (7) [NINE] ELEVEN INDIVIDUALS APPOINTED BY THE GOVERNOR.

4 MEMBERS UNDER THIS PARAGRAPH MUST REPRESENT DIRECT VICTIMS,  
5 STATEWIDE VICTIMS' COALITIONS, PROSECUTION-BASED  
6 VICTIM/WITNESS PROGRAMS AND OTHER VICTIM SERVICE OR VICTIM  
7 ADVOCACY ORGANIZATIONS, THE COURTS, MEMBERS OF LOCAL  
8 GOVERNMENT AND OTHER VICTIMS' ORGANIZATIONS OR ORGANIZATIONS  
9 INVOLVED IN THE COORDINATION OR DELIVERY OF SERVICES TO  
10 DIRECT VICTIMS. AT LEAST ONE OF THE GOVERNOR'S APPOINTEES  
11 MUST BE A REPRESENTATIVE OF A VICTIMS' SERVICES AGENCY  
12 WORKING DIRECTLY WITH CHILDREN AND AT LEAST TWO OF THE  
13 GOVERNOR'S APPOINTEES MUST REPRESENT THE INTEREST OF VICTIMS  
14 OF IDENTIFY THEFT.

15 \* \* \*

16 SECTION 3. SECTION 322 OF THE ACT, AMENDED OCTOBER 30, 2000  
17 (P.L.641, NO.86) AND JUNE 28, 2002 (P.L.496, NO.85), IS AMENDED  
18 TO READ:

19 SECTION 322. POWERS AND DUTIES OF COMMITTEE.

20 THE COMMITTEE HAS THE FOLLOWING POWERS AND DUTIES:

21 (1) TO SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION,  
22 INCLUDING THE OFFICE OF VICTIMS' SERVICES, THROUGH THE  
23 COMMITTEE'S PARTICIPATION IN THE DEVELOPMENT OF THAT PART OF  
24 THE COMMISSION'S PLAN RELATING TO DIRECT VICTIMS' SERVICES  
25 AND COMPENSATION.

26 (2) TO ADVISE THE COMMISSION ON THE DEVELOPMENT OF  
27 DIRECT SERVICES FOR MINOR CHILDREN WHO ARE MATERIAL WITNESSES  
28 TO ANY OF THE FOLLOWING CRIMES AND OFFENSES UNDER 18 PA.C.S.  
29 (RELATING TO CRIMES AND OFFENSES) COMMITTED OR ATTEMPTED  
30 AGAINST A MEMBER OF THE CHILD'S FAMILY:

1 CHAPTER 25 (RELATING TO CRIMINAL HOMICIDE).

2 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

3 SECTION 3121 (RELATING TO RAPE).

4 (3) TO PERFORM THOSE FUNCTIONS RELATED TO THE DIRECT  
5 APPROVAL AND DISBURSEMENT OF FINANCIAL ASSISTANCE IN AN  
6 ADVISORY CAPACITY ONLY. THE COMMITTEE SHALL HAVE THE  
7 OPPORTUNITY TO REVIEW AND COMMENT ON APPLICATIONS OTHER THAN  
8 APPLICATIONS FOR CLAIMS FOR COMPENSATION PURSUANT TO SECTIONS  
9 702 AND 706 WITHIN 30 DAYS AFTER RECEIPT OF THE APPLICATION  
10 FROM THE COMMISSION.

11 (4) TO ADVISE THE COMMISSION ON THE DEFINITION,  
12 DEVELOPMENT AND CORRELATION OF PROGRAMS AND PROJECTS AND THE  
13 ESTABLISHMENT OF PRIORITIES FOR DIRECT VICTIMS' SERVICES AND  
14 COMPENSATION.

15 (5) TO DEVELOP STANDARDS, METHODS AND PROCEDURES FOR  
16 EVALUATING AND MONITORING DIRECT VICTIMS' SERVICES.

17 (6) UPON REQUEST, TO PROVIDE ASSISTANCE AND ADVICE TO  
18 THE COMMISSION ON ANY OTHER MATTERS RELATING TO DIRECT  
19 VICTIMS' SERVICES AND COMPENSATION.

20 (7) TO RECEIVE STAFF SUPPORT FROM THE COMMISSION AND THE  
21 OFFICE OF VICTIMS' SERVICES IN ORDER TO ADEQUATELY PERFORM  
22 THE DUTIES PROVIDED FOR IN THIS SECTION.

23 (8) TO SUPPORT VICTIMS OF IDENTITY THEFT BY ASSISTING  
24 THEM TO REESTABLISH THEIR FINANCIAL AND OTHER COMMERCIAL  
25 RECORDS, RECLAIM THEIR IDENTITIES AND RECTIFY ERRONEOUS  
26 JUDICIAL RECORDS THAT RESULT FROM THE UNLAWFUL THEFT OF THEIR  
27 IDENTITIES.

28 (9) TO COMPILE STATISTICS ON IDENTITY THEFT IN THIS  
29 COMMONWEALTH, ADVISE FEDERAL, STATE AND LOCAL LAW ENFORCEMENT  
30 OFFICERS ON INVESTIGATION AND PROSECUTION OF IDENTITY THEFT,



1     ASSIST VICTIMS OF IDENTITY THEFT AS TO CORRECTIVE AND  
2     REMEDIAL MEASURES TO BE TAKEN, INFORM THE PUBLIC ON  
3     PREVENTION AND DETECTION OF IDENTITY THEFT AND TAKE SUCH  
4     OTHER APPROPRIATE ACTION DEEMED NECESSARY TO ASSIST THE  
5     COMMISSION ON IDENTITY THEFT.

6     SECTION 4.   THE SUM OF \$500,000, OR AS MUCH THEREOF AS MAY BE  
7   NECESSARY, IS HEREBY APPROPRIATED TO THE PENNSYLVANIA COMMISSION  
8   ON CRIME AND DELINQUENCY FOR THE FISCAL YEAR JULY 1, 2004, TO  
9   JUNE 30, 2005, TO CARRY OUT THE PROVISIONS OF THIS ACT.

10    SECTION 5.   THIS ACT SHALL TAKE EFFECT IN 60 DAYS.