

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 222 Session of 2009

INTRODUCED BY BAKER, PICKETT, MAJOR, ARGALL, BARRAR, BELFANTI, BEYER, BOYD, CAUSER, CLYMER, CREIGHTON, CUTLER, FAIRCHILD, FLECK, GEORGE, GINGRICH, GODSHALL, GOODMAN, GRELL, GROVE, GRUCELA, HALUSKA, HARRIS, HELM, HENNESSEY, HESS, KAUFFMAN, M. KELLER, KILLION, KORTZ, KOTIK, LONGIETTI, MAHONEY, MILLARD, MILLER, MILNE, O'NEILL, READSHAW, ROHRER, SCAVELLO, SIPTROTH, STEVENSON, SWANGER, THOMAS, VULAKOVICH, WANSACZ AND YUDICHAK, FEBRUARY 3, 2009

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for restitution for identity
3 theft; and making a related repeal.

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 § 1107.1. Restitution for identity theft.

9 (a) General rule.--The court shall, in addition to any other
10 restitution sentence or order authorized by law, sentence a
11 person convicted of a violation of section 4106 (relating to
12 access device fraud) or 4120 (relating to identity theft) to
13 make restitution for all reasonable expenses incurred by the
14 victim or on the victim's behalf:

15 (1) to investigate theft of the victim's identity;

1 (2) to bring or defend civil or criminal actions related
2 to theft of the victim's identity; or
3 (3) to take other efforts to correct the victim's credit
4 record or negative credit reports related to theft of the
5 victim's identity.

6 (b) Types of expenses.--The types of expenses recoverable
7 under this section include, but are not limited to:

8 (1) fees for professional services by attorneys or
9 accountants;

10 (2) fees and costs imposed by credit bureaus, associated
11 with efforts to correct the victim's credit record, incurred
12 in private investigations or associated with contesting
13 unwarranted debt collections; and

14 (3) court costs and filing fees.

15 Section 2. Repeals are as follows:

16 (1) The General Assembly declares that the repeal under
17 paragraph (2) is necessary to effectuate the addition of 18
18 Pa.C.S. § 1107.1.

19 (2) The provisions of 42 Pa.C.S. § 9720.1 are repealed.

20 Section 3. This act shall take effect in 60 days.