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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 259 Session of  
2015

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INTRODUCED BY BAKER, HARHART, PICKETT, MACKENZIE, COHEN, JAMES,  
MILLARD, THOMAS, CAUSER, D. COSTA, SCHLOSSBERG, SAYLOR,  
M. K. KELLER, BROWNLEE, KAUFFMAN, V. BROWN, A. HARRIS, DEASY,  
READSHAW, MAJOR, MURT, GOODMAN, MARSICO, KORTZ, GINGRICH AND  
WATSON, FEBRUARY 2, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 2, 2015

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in forgery and fraudulent practices,  
3 providing for identity theft 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  
17 person is a victim of a violation of section 4120

1 (relating to identity theft).

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

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

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

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

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

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

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

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

29 (b) Use.--A verification card or certificate issued by the  
30 Attorney General may be presented to any of the following:

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

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

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

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

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

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