

Act No. 386  
Public Acts of 2000  
Approved by the Governor  
January 2, 2001  
Filed with the Secretary of State  
January 3, 2001  
EFFECTIVE DATE: April 1, 2001

**STATE OF MICHIGAN  
90TH LEGISLATURE  
REGULAR SESSION OF 2000**

**Introduced by Senators Steil, McCotter, Bullard, Goschka, Sikkema, Shugars, Gougeon, McManus,  
Hammerstrom, DeBeaussiaert and North**

# **ENROLLED SENATE BILL No. 120**

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 285.

*The People of the State of Michigan enact:*

Sec. 285. (1) A person shall not obtain or attempt to obtain personal identity information of another person with the intent to unlawfully use that information for any of the following purposes without that person's authorization:

- (a) To obtain financial credit.
- (b) To purchase or otherwise obtain or lease any real or personal property.
- (c) To obtain employment.
- (d) To obtain access to medical records or information contained in medical records.
- (e) To commit any illegal act.

(2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(3) This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law committed by that person using information obtained in violation of this section.

(4) This section does not apply to a person who obtains or attempts to obtain personal identity information of another person pursuant to the discovery process of a civil action, an administrative proceeding, or an arbitration proceeding.

(5) As used in this section:

- (a) "Financial transaction device" means that term as defined in section 157m.
- (b) "Medical records" includes, but is not limited to, medical and mental health histories, reports, summaries, diagnoses and prognoses, treatment and medication information, notes, entries, and x-rays and other imaging records.
- (c) "Personal identity information" means any of the following information of another person:
  - (i) A social security number.
  - (ii) A driver license number or state personal identification card number.
  - (iii) Employment information.

(iv) Information regarding any financial account held by another person including, but not limited to, any of the following:

- (A) A savings or checking account number.
- (B) A financial transaction device account number.
- (C) A stock or other security certificate or account number.
- (D) A personal information number for an account described in sub-subparagraphs (A) to (C).

Enacting section 1. This amendatory act takes effect April 1, 2001.

*Carol Morey Viventi*

Secretary of the Senate.

*Jay E. Randall*

Clerk of the House of Representatives.

Approved .....

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Governor.