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**BILL ANALYSIS**

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Senate Bill 1384 (as introduced 9-14-04)
Sponsor: Senator Laura M. Toy
Committee: Judiciary

Date Completed: 9-21-04

CONTENT

The bill would amend the Crime Victim's Rights Act to specify that, to facilitate compliance with Federal law (15 USC 1681g), a bona fide victim of identity theft would be entitled to a police report from a law enforcement agency in a jurisdiction where the alleged violation of identity theft could be prosecuted as provided under MCL 762.10c (a section of the Code of Criminal Procedure proposed by Senate Bill 793). The bill would insert the same language in each of the Act's three articles. Article I deals with felonies, Article II involves juvenile offenses, and Article III applies to serious misdemeanors.

"Identity theft" would mean that term as defined in the "Identity Theft Protection Act", proposed by Senate Bill 792. (Under Senate Bill 792 (S-4), as passed by the Senate, "identity theft" would mean any unauthorized use of another person's personal identifying information to obtain credit, goods, services, money, property, medical records or information, or employment, or to commit any other unlawful act.)

The bill is tie-barred to Senate Bill 794. Under Senate Bill 794 (S-2), as passed by the Senate, an individual who was the victim of identity theft could apply to the county prosecuting attorney having jurisdiction over the violation for a certificate stating that he or she was an identity theft victim. If an individual properly applied, the prosecuting attorney would have to issue a certificate.

Proposed MCL 780.754a et al.

BACKGROUND

Federal law (15 USC 1681g) requires that every consumer reporting agency, upon request, clearly and accurately disclose certain information to consumers. This includes information in the consumer's file at the time of the request, the sources of the information, identification of each consumer who procured a consumer report, and a record of all inquiries received by the agency during the one-year period preceding the request that identified the consumer in connection with a credit or insurance transaction but was not initiated by the consumer.

Senate Bill 793 (S-1), as passed by the Senate, would amend the Code of Criminal Procedure to provide that a violation of the proposed Identity Theft Protection Act or a violation of law committed in furtherance of or arising from the same transaction as a violation of that Act, could be prosecuted in the jurisdiction in which the offense occurred, the jurisdiction in which the information used to commit the violation was illegally used, or the jurisdiction in which the victim lived.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.