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BILL ANALYSIS

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Senate Bill 1384 (as reported without amendment)
Sponsor: Senator Laura M. Toy
Committee: Judiciary

CONTENT

The bill would amend the Crime Victim's Rights Act to specify that, to facilitate compliance with a Federal law requiring that every consumer reporting agency, upon request, clearly and accurately disclose certain information to consumers (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. (Under Senate Bill 793 (S-1), as passed by the Senate, an identity theft violation could be prosecuted in the jurisdiction in which the offense occurred, the information used to commit the violation was illegally used, or the victim lived.)

"Identity theft" would mean that term as defined in the "Identity Theft Protection Act", proposed by Senate Bill 792 (i.e., 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, which would allow an individual who was the victim of identity theft to 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.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Date Completed: 9-22-04

Fiscal Analyst: Bruce Baker