

SUBSTITUTE FOR
SENATE BILL NO. 794

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 23 to chapter XVI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVI

1

2 Sec. 23. (1) An individual who is the victim of identity
3 theft may apply to the county prosecuting attorney having
4 jurisdiction over the violation under section 10c of chapter II
5 for a certificate stating that he or she is a victim of identity
6 theft. The application shall be in writing under oath setting
7 forth the circumstances of the theft as known by the applicant or
8 upon information and belief by any other person. Before
9 submitting an application under this subsection, the individual
10 shall file a complaint regarding the violation with a law
11 enforcement agency having jurisdiction over the violation.

1 (2) If an individual properly submits an application under
2 subsection (1), the county prosecuting attorney may issue a
3 certificate as provided in this section stating that the
4 individual is a victim of identity theft. The prosecuting
5 attorney may request the law enforcement agency receiving the
6 complaint under subsection (1) to investigate the violation
7 before the certificate is issued.

8 (3) A certificate issued under this section shall be on a
9 form prescribed by the department of state police and provided
10 free of charge by the department of state police to county
11 prosecuting attorneys.

12 (4) A certificate issued under this section shall contain all
13 of the following information:

14 (a) The name of the individual requesting issuance of the
15 certificate.

16 (b) The name of the prosecuting authority issuing the
17 certificate.

18 (c) A statement that the individual has been determined to be
19 a victim of identity theft.

20 (d) The date on which the identity theft occurred or, if the
21 date is not known, the approximate date.

22 (5) A county prosecuting attorney shall not charge a fee for
23 issuing a certificate under this section.

24 (6) A county prosecuting attorney shall maintain the
25 application for the certificate on file for 2 years.

26 (7) A county prosecuting attorney may revoke a certificate
27 issued under this section by filing a written notice of

1 revocation with the applicant. The notice shall be sent by
2 first-class mail to the last known address of the applicant. A
3 certificate issued under this section is revoked upon receipt of
4 the notice of revocation. An applicant who is notified under
5 this subsection that his or her certificate has been revoked
6 shall return the certificate to the prosecuting authority within
7 14 days after that notice is received. An applicant who
8 knowingly fails to return a certificate that has been revoked in
9 violation of this subsection is guilty of a misdemeanor
10 punishable by imprisonment for not more than 93 days or a fine of
11 not more than \$500.00, or both.

12 (8) A certificate issued under this section is an official
13 state record.

14 (9) An individual who knowingly makes a material false
15 statement on an application under this section is guilty of
16 perjury.

17 (10) As used in this section, "identity theft" means that
18 term as defined in the identity theft protection act.

19 Enacting section 1. This amendatory act takes effect March
20 31, 2004.

21 Enacting section 2. This amendatory act does not take
22 effect unless Senate Bill No. 792 of the 92nd Legislature is
23 enacted into law.