

SENATE BILL No. 794

October 23, 2003, Introduced by Senators TOY, CROPSEY, BISHOP, ALLEN, GEORGE, GARCIA, BROWN, CASSIS, BIRKHOLZ and SWITALSKI and referred to the Committee on Judiciary.

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 of the county
4 in which he or she resides or to the attorney general for a
5 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.

9 (2) If an individual properly submits an application under
10 subsection (1), the county prosecuting attorney or the state
11 attorney general may issue a certificate as provided in this

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1 section stating that the individual is a victim of identity
2 theft. The prosecuting attorney or the state attorney general
3 may investigate the grounds for issuing the certificate before
4 the certificate is issued.

5 (3) A certificate issued under this section shall be on a
6 form prescribed by the department of state police and provided
7 free of charge by the department of state police to county
8 prosecuting attorneys and the attorney general.

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

11 (a) The name of the individual requesting issuance of the
12 certificate.

13 (b) The name of the prosecuting authority issuing the
14 certificate.

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

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

19 (5) A county prosecuting attorney and the attorney general
20 shall not charge a fee for issuing a certificate under this
21 section.

22 (6) A county prosecuting attorney or attorney general shall
23 maintain the application for the certificate on file for 2
24 years.

25 (7) A county prosecuting attorney or the attorney general may
26 revoke a certificate issued under this section by filing a
27 written notice of revocation with the applicant. The notice

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5 been revoked shall return the certificate to the prosecuting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8 been revoked in violation of this subsection is guilty of a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

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

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

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