



Senate Fiscal Agency  
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**BILL ANALYSIS**

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Senate Bill 1202 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Senator Bruce Patterson

Committee: Technology and Energy

**CONTENT**

The bill would amend Section 5 of the Identity Theft Protection Act to prohibit a person from using the personal identifying information of another person to obtain his or her confidential telephone record; and add Section 5a to prohibit a person from doing any of the following:

- Knowingly procuring, attempting to procure, or soliciting or conspiring with another to procure a confidential telephone record of any Michigan resident without the authorization of the customer to whom the record pertained or by fraudulent, deceptive, or false means.
- Knowingly selling or attempting to sell a confidential telephone record of any Michigan resident without the authorization of the customer to whom the record pertained.
- Receiving a confidential telephone record of any Michigan resident, knowing that the record was obtained without the authorization of the customer to whom the record pertained or by fraudulent, deceptive, or false means.

Under the bill, "confidential telephone record" would mean any of the following:

- Information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a service offered by a telecommunication provider subscribed to by any customer of that provider.
- Information that is made available to a telecommunication provider by a customer solely by virtue of the relationship between the provider and the customer.
- Information contained in any bill related to the product or service offered by a provider and received by any customer of that provider.

MCL 445.65 et al.

Legislative Analyst: Julie Koval

**FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of obtaining a confidential telephone record involving the proposed factors. There also are no data to indicate how many offenders have been convicted of violating the Act. A violation of Section 5 is a felony punishable by up to five years' imprisonment and/or a maximum fine of \$25,000. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 5-10-06

Fiscal Analyst: Lindsay Hollander