

# SENATE BILL NO. 654

November 13, 2019, Introduced by Senators MACDONALD, THEIS, MCBROOM and SANTANA and referred to the Committee on Insurance and Banking.

A bill to amend 2004 PA 452, entitled  
"Identity theft protection act,"  
by amending section 5 (MCL 445.65), as amended by 2006 PA 246.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 5. (1) A person shall not do any of the following:
- 2       (a) With intent to defraud or violate the law, use or attempt
- 3       to use the personal identifying information **or personal information**
- 4       of another person to do either of the following:
- 5       (i) Obtain credit, goods, services, money, property, a vital

1 record, a confidential telephone record, medical records or  
2 information, or employment.

3 (ii) Commit another unlawful act.

4 (b) By concealing, withholding, or misrepresenting the  
5 person's identity, use or attempt to use the personal identifying  
6 information **or personal information** of another person to do either  
7 of the following:

8 (i) Obtain credit, goods, services, money, property, a vital  
9 record, a confidential telephone record, medical records or  
10 information, or employment.

11 (ii) Commit another unlawful act.

12 (2) A person who violates subsection (1) (b) (i) may assert 1 or  
13 more of the following as a defense in a civil action or as an  
14 affirmative defense in a criminal prosecution, and has the burden  
15 of proof on that defense by a preponderance of the evidence:

16 (a) That the person gave a bona fide gift for or for the  
17 benefit or control of, or use or consumption by, the person whose  
18 personal identifying information **or personal information** was used.

19 (b) That the person acted in otherwise lawful pursuit or  
20 enforcement of a person's legal rights, including an investigation  
21 of a crime or an audit, collection, investigation, or transfer of a  
22 debt, child or spousal support obligation, tax liability, claim,  
23 receivable, account, or interest in a receivable or account.

24 (c) That the action taken was authorized or required by state  
25 or federal law, rule, regulation, or court order or rule.

26 (d) That the person acted with the consent of the person whose  
27 personal identifying information **or personal information** was used,  
28 unless the person giving consent knows that the information will be  
29 used to commit an unlawful act.

1       Enacting section 1. This amendatory act takes effect 90 days  
2 after the date it is enacted into law.

3       Enacting section 2. This amendatory act does not take effect  
4 unless all of the following bills of the 100th Legislature are  
5 enacted into law:

6           (a) Senate Bill No. 653.

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8           (b) Senate Bill No. 652.

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10          (c) Senate Bill No. 655.

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