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**Testimony of James Papillo, State Victim Advocate
Submitted to the Judiciary Committee
Monday, March 20, 2006**

Good afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record, my name is James Papillo and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony in **SUPPORT** of:

Raised Senate Bill No. 55, An Act Concerning Identity Theft

America's fastest growing and underreported crime is identity (ID) theft. The Federal Bureau of Investigation estimates that hundreds of thousands of Americans become ID theft victims each year and the most recent statistics published by the Federal Trade Commission (FTC) show that occurrences of ID theft are on the rise in Connecticut.

Connecticut's lawmakers have been consistent in responding to this epidemic. Connecticut is considered a leader and has set an example for other states, in passing laws that assist victims of ID theft, not only in reporting ID theft crimes, but also in repairing some of the damaging affects of ID theft. Victims of ID theft can spend months or even years trying to get their life (financial and personal) back in order.

The Office of the Victim Advocate (OVA) has created and published a helpful guide entitled, "Identity Theft: A Guide for Connecticut Citizens" which is available to the public on our website (www.ct.gov/ova). This publication explains what ID theft is, how to avoid becoming a victim of ID theft, and what to do if you become a victim of ID theft.

A person may not realize they are the victim of ID theft until they apply for credit or a loan, receive past due statements on credit cards they don't have or they apply for a job that requires a criminal history records check. Once identity thieves obtain personal information about a person, they can use it in a variety of ways, including giving the name of the victim to the police during an arrest. The consequences may be an arrest record, a felony conviction record or a pending arrest warrant in the victim's name. Section 3 of Raise Senate Bill No. 55 will require the court to issue orders that are necessary to correct a public record that contains false information as a result of the ID theft crime, for example, a criminal history record.

Section 8 of this bill will require a person convicted of ID theft to make restitution for the full amount of financial loss suffered by the victim, including lost wages and a

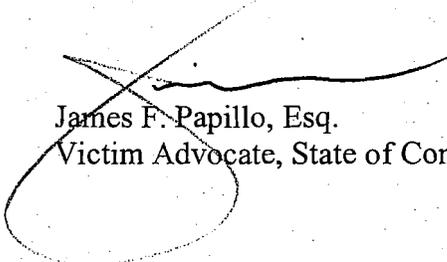
reasonable attorney's fee to remedy issues as a result of the crime. Currently, C.G.S. § 53a-28 provides a mechanism by which victims of crime can obtain a written order of restitution as part of a sentence imposed upon the defendant in a criminal prosecution. The crime victim must simply make a request of financial restitution to the court and provide documentation to support such request. The court is required under C.G.S. § 53a-28 to then issue a written order of restitution, set appropriate terms for the payment of restitution and provide a certified copy to the victim with the advisement that the order is enforceable as a judgment in a civil action, as provided in C.G.S. § 53a-28a.

Restitution for mental anguish, pain and suffering or other intangible losses may not be obtained from the criminal court under C.G.S. § 53a-28. Documented losses may include property damage, medical expenses (not covered by a collateral source) or other "easily ascertainable damages." Section 8 appears to identify the financial loss to include, but not be limited to, lost wages and reasonable attorney's fees for ID theft crimes.

I would respectfully request that Section 8 of Raised Senate Bill No. 55 be amended to reflect the court's current statutory obligation to issue orders of restitution to victims who request restitution, as provided in C.G.S. § 53a-28. I have attached a proposed amendment for your convenience.

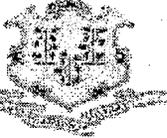
Raised Senate Bill No. 55 is yet another very important measure in (1) combating ID theft crimes, (2) holding those individuals accountable who commit such crimes and (3) provide victims with assistance to correct the damaging affects of ID theft crimes. I strongly urge the committee to support Raised Senate Bill No. 55.

Thank you for considering my testimony.



James F. Papillo, Esq.
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Attachment



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PROPOSED AMENDMENT TO SECTION 8 OF SENATE BILL NO. 55

On Line 100, after the word "restitution" insert, ", as provided by C.G.S. § 53a-28,"