



## STATE OF CONNECTICUT



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### **RB 55 AN ACT CONCERNING IDENTITY THEFT**

*The Department of Public Safety supports this bill.*

Identity theft is a serious crime that can have devastating consequences for the victim. These types of crimes are often associated with other types of criminal activity, such as fraud, drug and weapons trafficking, money laundering, internet crimes and terrorism. By Executive Order 11, Governor Rell established the Governor's Identity Theft Advisory Board to make recommendations to improve Connecticut's laws and help address this growing problem. This board issued a report January 6, 2006, making a number of recommendations which the Governor has brought forth in this proposal as a comprehensive response and strategy in addressing identity theft in Connecticut.

Section 1 of this bill amends section 53a-129a (a) with language that enhances the ability of law enforcement to pursue identity theft charges against anyone for *knowingly using another's identifying information*. Previous statutory language required that the *information be obtained without prior authorization of the victim*. This language change alleviates the problem of proving *both* that the information was obtained without authorization, and was used without consent for some illegal gain. This is particularly helpful in spousal or other familial relationships where a family member can argue that although they used the information, they did not obtain it illegally because it was obtained as result of such relationship.

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This bill criminalizes the possession of "Access Devices", and other equipment and paraphernalia. Current law does not criminalize the simple possession of items like these, but would require their use to obtain a benefit to constitute identity theft.

Black market sales of identification information can be a lucrative business. "Access Devices" allow persons to access and retrieve personal information of unsuspecting victims, then sell that information to others who may be hundreds or thousands of miles away. The availability of these devices exacerbates the already complex issue of identity theft and allows the identifying information to be sold over and over, perpetuating the negative impact to the victim as well as their credit history.

The Governor's proposal also criminalizes the facilitation of identity theft. This can be directly applied to situations such as the recent fraudulent activities perpetrated by employees at the Connecticut Department of Motor Vehicles. Operators' licenses and identification cards were issued to hundreds of persons who were not entitled to obtain such documents. The license or identification card is considered a "breeder document" and, once obtained, can be used to establish an entirely new identity, and defraud an undeterminable number of unsuspecting victims.

This bill addresses restitution to the victim for all losses and costs incurred. Identity theft can occur at any time and can be extremely sophisticated. Correcting the problems caused can entail hundreds of hours of research and follow-up. Costs of thousands of dollars over a period of years for the most pervasive and damaging attack are not uncommon. It is entirely appropriate to make the person guilty of identity fraud responsible for full restitution so that the victim can fully eradicate the damage done to their identity.

Section 9 of this bill would require anyone in possession of personal identifying information, particularly businesses, to ensure that such information is protected and properly destroyed. As we have learned, the ability to obtain personal identifying information is as easy as the practice of "dumpster diving" or searching the trash for information. This will hold individuals, businesses and other entities responsible for the proper destruction or obliteration of this information, prior to disposal. Our best approach to combat this crime is to remove the opportunity for the criminal to obtain this information.

Passage of this bill will provide law enforcement with necessary tools to assist in the apprehension and prosecution of criminals engaged in identity theft. The bill will also provide some direction, safeguards, and relief to the victims of this devastating and demoralizing crime.

Sincerely,



Leonard C. Boyle  
COMMISSIONER