



671/670

State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice**

*Joint Committee on Judiciary – March 14, 2008*

The Division of Criminal Justice appreciates this opportunity to submit our input and recommendations on the bills on the agenda for today's public hearing:

**S.B. No. 671 (RAISED) An Act Concerning Identity Theft**

The Division of Criminal Justice respectfully requests the Committee's consideration of Joint Favorable Substitute language. The Division has submitted this same language to the Joint Committee on General Law with regard to S.B. No. 30, An Act Concerning Consumer Privacy and Identity Theft, and to the Joint Committee on Insurance and Real Estate with regard to S.B. No. 315, An Act Concerning Identity Theft.

Connecticut General Statutes Section 53a-129a requires that a person unlawfully **obtain and use** personal identifying information of another in order to commit the crime of identity theft. Unfortunately, the current definition does not cover situations where the perpetrator comes into possession of the personal information in a lawful manner but subsequently uses such information without the victim's authorization. It is the unauthorized *use* of personal information and not how such information is initially obtained that should be the target of our statute. After all, modern life requires us all to provide personal identifying information to others on a regular basis.

This issue was brought to light by a criminal case where the defendant obtained the victim's personal information in the ordinary course of business as an in-home caretaker and subsequently used that information without the victim's authorization. The defendant created credit card accounts in the victim's name and incurred substantial debt on those accounts without the victim's knowledge. The authorities were not able to charge identity theft because the information was not **obtained** without the victim's authorization. To correct this situation, the Division of Criminal Justice would respectfully recommend the following amendment:

Subsection (a) of section 53a-129a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

“A person commits identity theft when such person intentionally [obtains] uses personal identifying information of another person without the authorization of such other person [and uses that information] to obtain or attempt to obtain, money, credit, goods, services, property or medical information in the name of such other person without the consent of such other person.”

**S.B. No. 670 (RAISED) An Act Concerning Failure to Remove Snow and Ice from a Motor Vehicle in Operation**

The Division of Criminal Justice supports the concept behind S.B. No. 670, An Act Concerning Failure to Remove Snow and Ice from a Motor Vehicle in Operation. The accumulation of snow and ice on motor vehicles is a serious and dangerous distraction at the very least and possibly a much worse threat to public health and safety. The Division, however, has concerns with the language of the bill as now drafted, which could pose difficulties in the application and enforcement of the law.

The following questions would immediately come to mind. How do you measure the buildup of a substance that by its very nature is likely to scatter, shatter and melt? Does the snow and/or ice have to remain on the vehicle, or is dislodging and flying off the vehicle the same charge? How do you measure the snow and/or ice once it flies off the vehicle? To apportion a fee schedule based upon square footage of the basically transitory presence of the mixture is not reliable.

In conclusion, the Division of Criminal Justice cannot support S.B. No. 670 as now written. We would be happy to work with the Committee to attempt to develop reasonable and enforceable language to address the safety concerns involved.

Thank you.