



General Assembly

February Session, 2008

Raised Bill No. 671

LCO No. 3103

03103_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING IDENTITY THEFT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) Any department, board,
2 commission, institution or other agency of the state or any political
3 subdivision of the state that requests an individual to disclose such
4 individual's Social Security number shall inform such individual: (1)
5 Whether such disclosure is mandatory or voluntary, (2) by what
6 statutory or other authority such number is solicited, and (3) what uses
7 will be made of such number.

8 Sec. 2. (NEW) (*Effective October 1, 2008*) Any person, entity, agency
9 of the state or political subdivision of the state that causes the
10 unauthorized disclosure of an individual's Social Security number, or
11 loses custody of a record containing an individual's Social Security
12 number, shall (1) provide written notification of the disclosure or loss
13 to the individual not later than seven business days after discovering
14 the disclosure or loss, (2) provide the individual, at the individual's
15 option, not less than two years of commercially available identity theft
16 monitoring and protection at the cost of the person, entity, agency of
17 the state or political subdivision of the state, and (3) upon the request

18 of the individual, enroll the individual in such identity theft
19 monitoring and protection or assist such individual in enrolling in
20 such identity theft monitoring and protection.

21 Sec. 3. Section 52-571h of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective October 1, 2008*):

23 (a) Any person aggrieved by an act constituting a violation of
24 section 53a-129a of the general statutes, revision of 1958, revised to
25 January 1, 2003, or section 53a-129b, 53a-129c or 53a-129d may bring a
26 civil action in the Superior Court for damages against the person who
27 committed the violation.

28 (b) Any individual aggrieved by the negligent, reckless or
29 intentional unauthorized disclosure of personal identifying
30 information, as defined in section 53a-129a, by any person, entity,
31 agency of the state or political subdivision of the state may bring a civil
32 action in the Superior Court for damages against such person, entity,
33 agency of the state or political subdivision of the state. The individual
34 shall have the burden of proving by a preponderance of the evidence
35 that the unauthorized disclosure by the person, entity, agency of the
36 state or political subdivision of the state caused the damages alleged
37 by the individual.

38 [(b)] (c) In any civil action brought under this section in which the
39 plaintiff prevails, the court shall award the greater of one thousand
40 dollars or treble damages, together with costs and a reasonable
41 attorney's fee.

42 [(c)] (d) No action under this section shall be brought but within two
43 years from the date when the violation is discovered or in the exercise
44 of reasonable care should have been discovered.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section

Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	52-571h

Statement of Purpose:

To provide greater protection and remedies with respect to the use and disclosure of personal identifying information.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]