



General Assembly

Amendment

February Session, 2008

LCO No. 6200

SB0003006200SDO

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. GAFFEY, 13th Dist.
SEN. HANDLEY, 4th Dist.

SEN. MCDONALD, 27th Dist.
SEN. STILLMAN, 20th Dist.
SEN. COLAPIETRO, 31st Dist.

To: Subst. Senate Bill No. 30

File No. 126

Cal. No. 115

"AN ACT CONCERNING CONSUMER PRIVACY AND IDENTITY THEFT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 53a-129a of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2008*):

5 (a) A person commits identity theft when such person [intentionally
6 obtains personal identifying information of another person without the
7 authorization of such other person and] knowingly uses [that] personal
8 identifying information of another person to obtain or attempt to
9 obtain, money, credit, goods, services, property or medical information
10 in the name of such other person without the consent of such other
11 person.

12 (b) As used in this section, "personal identifying information" means

13 any name, number or other information that may be used, alone or in
14 conjunction with any other information, to identify a specific
15 individual including, but not limited to, such individual's name, date
16 of birth, mother's maiden name, motor vehicle operator's license
17 number, Social Security number, employee identification number,
18 employer or taxpayer identification number, alien registration number,
19 government passport number, health insurance identification number,
20 demand deposit account number, savings account number, credit card
21 number, debit card number or unique biometric data such as
22 fingerprint, voice print, retina or iris image, or other unique physical
23 representation.

24 Sec. 2. Section 53a-129b of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2008*):

26 (a) A person is guilty of identity theft in the first degree when such
27 person commits identity theft, as defined in section 53a-129a, as
28 amended by this act, of another person and (1) such other person is
29 under sixty years of age and the value of the money, credit, goods,
30 services or property obtained exceeds ten thousand dollars, or (2) such
31 other person is sixty years of age or older and the value of the money,
32 credit, goods, services or property obtained exceeds five thousand
33 dollars.

34 (b) Identity theft in the first degree is a class B felony.

35 Sec. 3. Section 53a-129c of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective October 1, 2008*):

37 (a) A person is guilty of identity theft in the second degree when
38 such person commits identity theft, as defined in section 53a-129a, as
39 amended by this act, of another person and (1) such other person is
40 under sixty years of age and the value of the money, credit, goods,
41 services or property obtained exceeds five thousand dollars, or (2) such
42 other person is sixty years of age or older.

43 (b) Identity theft in the second degree is a class C felony.

44 Sec. 4. Section 53a-130 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective October 1, 2008*):

46 (a) A person is guilty of criminal impersonation when [he] such
47 person: (1) Impersonates another and does an act in such assumed
48 character with intent to obtain a benefit or to injure or defraud another;
49 or (2) pretends to be a representative of some person or organization
50 and does an act in such pretended capacity with intent to obtain a
51 benefit or to injure or defraud another; or (3) pretends to be a public
52 servant other than a sworn member of an organized local police
53 department or the Division of State Police within the Department of
54 Public Safety, or wears or displays without authority any uniform,
55 badge or shield by which such public servant is lawfully
56 distinguished, with intent to induce another to submit to such
57 pretended official authority or otherwise to act in reliance upon that
58 pretense.

59 (b) Criminal impersonation is a class [B] A misdemeanor.

60 Sec. 5. (NEW) (*Effective October 1, 2008*) (a) A person is guilty of
61 unlawful possession of an access device when such person possesses
62 an access device, document-making equipment and authentication
63 implement for the purpose of fraudulently altering, obtaining or using
64 the personal identifying information of another person.

65 (b) For the purposes of this section, (1) "access device" includes any
66 card, plate, code, account number, mobile identification number,
67 personal identification number, telecommunication service access
68 equipment, card-reading device, scanning device, reencoder or other
69 means that could be used to access financial resources or obtain the
70 financial information, personal information or benefits of another
71 person, and (2) "personal identifying information" shall have the
72 meaning prescribed to such term in subsection (b) of section 53a-129a
73 of the general statutes, as amended by this act.

74 (c) Unlawful possession of an access device is a class A
75 misdemeanor.

76 Sec. 6. (NEW) (*Effective October 1, 2008*) (a) Any license, registration
77 or certificate issued by the state or any political subdivision of the state
78 that was based upon an application containing any material false
79 statement of personal identifying information, as defined in subsection
80 (b) of section 53a-129a of the general statutes, as amended by this act,
81 is void from the date of issuance and shall be surrendered, on demand,
82 to the issuing authority, provided the issuing authority provides notice
83 in the manner set forth in subsection (c) of section 4-182 of the general
84 statutes. Any moneys paid for such license, registration or certificate
85 shall be forfeited to the issuing authority.

86 (b) No person shall obtain, attempt to obtain or assist in the
87 procurement of any license, registration or certificate issued by the
88 state or any political subdivision of the state for another person by
89 misrepresentation or impersonation, and any license, registration or
90 certificate obtained by misrepresentation or impersonation is void
91 from the date of issuance and shall be surrendered, on demand, to the
92 issuing authority, provided the issuing authority provides notice in the
93 manner set forth in subsection (c) of section 4-182 of the general
94 statutes. Any moneys paid for such license, registration or certificate
95 shall be forfeited to the issuing authority.

96 (c) Any person who violates any provision of this section shall be
97 guilty of a class A misdemeanor.

98 (d) Nothing in this section shall be construed as a limitation upon
99 the power or authority of the state or any political subdivision of the
100 state to seek any administrative, legal or equitable relief permitted by
101 law.

102 Sec. 7. Section 52-571h of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective October 1, 2008*):

104 (a) Any person aggrieved by an act constituting a violation of
105 section 53a-129a of the general statutes, revision of 1958, revised to
106 January 1, 2003, or section 53a-129b, as amended by this act, 53a-129c,
107 [or] as amended by this act, 53a-129d or 53a-129e may bring a civil

108 action in the Superior Court for damages against the person who
109 committed the violation.

110 (b) In any civil action brought under this section in which the
111 plaintiff prevails, the court shall award the greater of one thousand
112 dollars or treble damages, together with costs and a reasonable
113 attorney's fee. Damages shall include, but not be limited to,
114 documented lost wages and any financial loss suffered by the plaintiff
115 as a result of the violation. In addition to such damages, the court may
116 order other remedies including, but not limited to, ordering the
117 defendant to pay the costs of providing not less than two years of
118 commercially available identity theft monitoring and protection for the
119 plaintiff.

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

123 Sec. 8. Section 54-93a of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective October 1, 2008*):

125 Whenever a person is convicted of a violation of section 53a-129a of
126 the general statutes, revision of 1958, revised to January 1, 2003, or
127 section 53a-129b, as amended by this act, 53a-129c, as amended by this
128 act, [or] 53a-129d [,] or 53a-129e, the court [may] shall issue such
129 orders as are necessary to correct a public record that contains false
130 information as a result of such violation.

131 Sec. 9. Subsection (e) of section 54-1d of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective*
133 *October 1, 2008*):

134 (e) Any defendant who is charged with a violation of section 53a-
135 129a of the general statutes, revision of 1958, revised to January 1, 2003,
136 or section 53a-129b, as amended by this act, 53a-129c, as amended by
137 this act, [or] 53a-129d or 53a-129e and any defendant who is charged
138 with any other offense committed as a result of such violation may be

139 presented to the court in the geographical area in which the person
140 whose personal identifying information has been obtained and used
141 by the defendant resides and may be prosecuted in that geographical
142 area or in the judicial district.

143 Sec. 10. Section 31-128b of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective October 1, 2008*):

145 (a) Each employer shall obtain and retain employment applications
146 in a secure manner and shall take reasonable measures to destroy or
147 make unreadable employment applications upon disposal. Such
148 measures shall, at a minimum, include the shredding or other means
149 of permanent destruction of such applications in a secure setting.

150 (b) Each employer shall, within [a reasonable time] five business
151 days after receipt of a written request from an employee, permit such
152 employee to inspect his personnel file if such a file exists. Such
153 inspection shall take place during regular business hours at a location
154 at or reasonably near the employee's place of employment. Each
155 employer who has personnel files shall be required to keep any
156 personnel file pertaining to a particular employee for at least one year
157 after the termination of such employee's employment.

158 Sec. 11. (NEW) (*Effective October 1, 2008*) (a) No person shall, with
159 intent to defraud another person or to conceal or misrepresent a
160 material fact, alter any license, registration or certificate issued by the
161 state or any political subdivision of the state, and any license,
162 registration or certificate so altered shall be void from the date of
163 alteration and shall be surrendered, on demand, to the issuing
164 authority, provided the issuing authority provides notice in the
165 manner set forth in subsection (c) of section 4-182 of the general
166 statutes. Any moneys paid for such license, registration or certificate
167 shall be forfeited to the issuing authority.

168 (b) Any person who violates any provision of this section shall be
169 guilty of a class A misdemeanor.

170 (c) Nothing in this section shall be construed as a limitation upon
171 the power or authority of the state or any political subdivision of the
172 state to seek any administrative, legal or equitable relief permitted by
173 law.

174 Sec. 12. Section 54-36h of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective October 1, 2008*):

176 (a) The following property shall be subject to forfeiture to the state
177 pursuant to subsection (b) of this section:

178 (1) All moneys used, or intended for use, in the procurement,
179 manufacture, compounding, processing, delivery or distribution of any
180 controlled substance, as defined in subdivision (9) of section 21a-240;

181 (2) All property constituting the proceeds obtained, directly or
182 indirectly, from any sale or exchange of any such controlled substance
183 in violation of section 21a-277 or 21a-278 of the 2008 supplement to the
184 general statutes;

185 (3) All property derived from the proceeds obtained, directly or
186 indirectly, from any sale or exchange for pecuniary gain of any such
187 controlled substance in violation of section 21a-277 or 21a-278 of the
188 2008 supplement to the general statutes;

189 (4) All property used or intended for use, in any manner or part, to
190 commit or facilitate the commission of a violation for pecuniary gain of
191 section 21a-277 or 21a-278 of the 2008 supplement to the general
192 statutes;

193 (5) All property constituting, or derived from, the proceeds
194 obtained, directly or indirectly, by a corporation as a result of a
195 violation of section 53a-276, 53a-277 or 53a-278; and

196 (6) All property constituting, or derived from, the proceeds
197 obtained, directly or indirectly, by a person as a result of a violation of
198 section 53a-129b, as amended by this act, 53a-129c, as amended by this
199 act, 53a-129d, 53a-129e or 53a-130 or section 5, 6, or 11 of this act.

200 (b) Not later than ninety days after the seizure of moneys or
201 property subject to forfeiture pursuant to subsection (a) of this section,
202 in connection with a lawful criminal arrest or a lawful search, the Chief
203 State's Attorney or a deputy chief state's attorney, state's attorney or
204 assistant or deputy assistant state's attorney may petition the court in
205 the nature of a proceeding in rem to order forfeiture of said moneys or
206 property. Such proceeding shall be deemed a civil suit in equity, in
207 which the state shall have the burden of proving all material facts by
208 clear and convincing evidence. The court shall identify the owner of
209 said moneys or property and any other person as appears to have an
210 interest therein, and order the state to give notice to such owner and
211 any interested person by certified or registered mail, and shall
212 promptly, but not less than two weeks after notice, hold a hearing on
213 the petition. No testimony offered or evidence produced by such
214 owner or interested person at such hearing and no evidence
215 discovered as a result of or otherwise derived from such testimony or
216 evidence, may be used against such owner or interested person in any
217 proceeding, except that no such owner or interested person shall be
218 immune from prosecution for perjury or contempt committed while
219 giving such testimony or producing such evidence. At such hearing
220 the court shall hear evidence and make findings of fact and enter
221 conclusions of law and shall issue a final order, from which the parties
222 shall have such right of appeal as from a decree in equity.

223 (c) No property shall be forfeited under this section to the extent of
224 the interest of an owner or lienholder by reason of any act or omission
225 committed by another person if such owner or lienholder did not
226 know and could not have reasonably known that such property was
227 being used or was intended to be used in, or was derived from,
228 criminal activity.

229 (d) Notwithstanding the provisions of subsection (a) of this section,
230 no moneys or property used or intended to be used by the owner
231 thereof to pay legitimate attorney's fees in connection with his defense
232 in a criminal prosecution shall be subject to forfeiture under this
233 section.

234 (e) Any property ordered forfeited pursuant to subsection (b) of this
235 section shall be sold at public auction conducted by the Commissioner
236 of Administrative Services or his designee.

237 (f) The proceeds from any sale of property under subsection (e) of
238 this section and any moneys forfeited under this section shall be
239 applied: (1) To payment of the balance due on any lien preserved by
240 the court in the forfeiture proceedings; (2) to payment of any costs
241 incurred for the storage, maintenance, security and forfeiture of such
242 property; and (3) to payment of court costs. The balance, if any, shall
243 be deposited in the drug assets forfeiture revolving account
244 established under section 54-36i, except any balance attributable to a
245 sale of property in connection with a prosecution for a violation of
246 section 53a-129b, as amended by this act, 53a-129c, as amended by this
247 act, 53a-129d, 53a-129e or 53a-130, as amended by this act, or section 5,
248 6 or 11 of this act, shall be deposited in the privacy protection guaranty
249 and enforcement account established pursuant to section 19 of this act.

250 Sec. 13. Section 36a-40 of the general statutes is repealed and the
251 following is substituted in lieu thereof (*Effective from passage*):

252 (a) The commissioner may, by regulation adopted in accordance
253 with chapter 54, prescribe periods of time for the retention of records
254 of any Connecticut bank or Connecticut credit union. Records which
255 have been retained for the period so prescribed may thereafter be
256 destroyed, and no liability shall thereby accrue against the Connecticut
257 bank or Connecticut credit union destroying them. In any cause or
258 proceeding in which any such records may be called in question or be
259 demanded of any such bank or credit union or any officer or employee
260 thereof, a showing that the period so prescribed has elapsed shall be
261 sufficient excuse for failure to produce them.

262 (b) Each bank, branch in this state of an out-of-state bank,
263 Connecticut credit union, federal credit union and branch in this state
264 of an out-of-state credit union shall take measures to protect against
265 identity theft when disposing of documents containing personal

266 information such as Social Security numbers and bank account
267 numbers. Such measures shall include, but not be limited to, the
268 shredding or other means of permanent destruction of such documents
269 in a secure setting.

270 Sec. 14. Section 42-470 of the general statutes is repealed and the
271 following is substituted in lieu thereof (*Effective October 1, 2008*):

272 (a) [For the purposes of this section,] As used in this section and in
273 sections 15 to 22, inclusive, of this act: ["person"] (1) "Person" means
274 any individual, firm, partnership, association, corporation, limited
275 liability company, organization or other entity, but does not include
276 the state or any political subdivision of the state, or any agency or
277 employee thereof; and (2) "commissioner" means the Commissioner of
278 Consumer Protection.

279 (b) [Except as provided in subsection (c) of this section, on and after
280 January 1, 2005, no] No person shall:

281 (1) Publicly post or publicly display in any manner an individual's
282 Social Security number. For the purposes of this subdivision, "publicly
283 post" or "publicly display" means to intentionally communicate or
284 otherwise make available to the general public;

285 (2) Print an individual's Social Security number on any card
286 required for the individual to access products or services provided by
287 such person;

288 (3) Require an individual to transmit such individual's Social
289 Security number over the Internet, unless the connection is secure or
290 the Social Security number is encrypted; [or]

291 (4) Require an individual to use such individual's Social Security
292 number to access an Internet web site, unless a password or unique
293 personal identification number or other authentication device is also
294 required to access the Internet web site; or

295 (5) Mail any document which allows a Social Security number to be

296 visible without opening the envelope.

297 [(c) The provisions of subsection (b) of this section shall apply with
298 respect to group and individual health insurance policies providing
299 coverage of the type specified in subdivisions (1), (2), (4), (6), (10) and
300 (12) of section 38a-469 that are delivered, issued for delivery, amended,
301 renewed or continued on and after July 1, 2005.]

302 [(d)] (c) This section does not prevent the collection, use or release of
303 a Social Security number as [required by] permitted, authorized or
304 required to comply with state or federal law, or for a business purpose
305 described in subsection (e) of section 6802 of the Gramm-Leach-Bliley
306 Act, 15 USC 6801 et seq., or the use of a Social Security number for
307 internal verification, fraud investigation or administrative purposes.

308 [(e)] (d) Any person who wilfully violates the provisions of
309 subsection (b) of this section shall be fined not more than [one] five
310 hundred dollars for a first offense and [not more than five hundred
311 dollars for a second offense, and] shall be fined not more than one
312 thousand dollars or be imprisoned not more than six months, or both,
313 for each subsequent offense.

314 (e) On and after January 1, 2010, the state or any political
315 subdivision of the state may not use an individual's Social Security
316 number on forms of identification issued by the state or any political
317 subdivision of the state.

318 (f) This section shall not prohibit disseminating or using the last
319 four numbers constituting an individual's Social Security number.

320 (g) No agency of the state or any political subdivision of the state
321 shall transmit to an individual any material that contains both a
322 portion of the individual's Social Security number and a bank, savings
323 and loan association or credit union account number, except this
324 subsection shall not prohibit the transmitting of documents that
325 include Social Security numbers and bank, savings and loan
326 association or credit union account numbers as a part of an application

327 or enrollment process or to establish, amend or terminate an account,
328 contract or policy or to confirm the accuracy of the Social Security
329 number or the bank, savings and loan association or credit union
330 account number.

331 (h) Except as otherwise provided by law, documents or records that
332 are recorded with the state or any political subdivision of the state and
333 made available on the recording entity's Internet web site after the
334 effective date of this section shall not contain more than four numbers
335 that are reasonably identifiable as being part of an individual's Social
336 Security number and shall not contain an individual's: (1) Credit card,
337 charge card or debit card numbers; (2) retirement account numbers; (3)
338 savings, checking or securities entitlement account numbers; or (4)
339 date of birth or age.

340 (i) No agency of the state or any political subdivision of the state
341 shall be subject to civil liability for any action relating to information
342 made available in good faith pursuant to subsection (h) of this section.

343 (j) The Attorney General, at the request of the Commissioner of
344 Consumer Protection, shall investigate and may apply to the Superior
345 Court for an order temporarily or permanently restraining and
346 enjoining any person or entity from violating any provision of this
347 section.

348 Sec. 15. (NEW) *(Effective from passage)* Section 42-470 of the general
349 statutes and sections 15 to 22, inclusive, of this act shall not apply to:

350 (1) Documents or records that are required to be recorded pursuant
351 to the laws of the state or by court rule or order, including, but not
352 limited to, certificates for births, marriages or deaths;

353 (2) An individual's Social Security number that is printed or caused
354 to be printed on a document or form of identification by the individual
355 or such individual's legal guardian;

356 (3) The use of a Social Security number by any person or entity in

357 relation to administration of chapter 567 of the general statutes, except
358 any such person or entity shall comply with subdivisions (1) to (5),
359 inclusive, of subsection (b) of section 42-470 of the general statutes;

360 (4) The use of a Social Security number by the Workers'
361 Compensation Commission, established pursuant to section 31-276 of
362 the 2008 supplement to the general statutes, or an intervenor or party,
363 as defined in section 4-166 of the general statutes, or any entity
364 administering workers' compensation matters, on documents or
365 records related to a workers' compensation claim, except the Workers'
366 Compensation Commission or the intervenor or party or any entity
367 administering workers' compensation matters shall comply with
368 subdivisions (1) to (5), inclusive, of subsection (b) of section 42-470 of
369 the general statutes; and

370 (5) The use of a Social Security number, if the person whose
371 information is being used, or, if the person is a minor, such person's
372 parent or legal guardian, has given permission for the use of such
373 Social Security number.

374 Sec. 16. (NEW) (*Effective October 1, 2008*) (a) Any person in
375 possession of personal information of another person shall safeguard
376 the data, computer files and documents containing the information
377 from misuse by third parties, and shall destroy, erase or make
378 unreadable such data, computer files and documents prior to disposal.

379 (b) Any person who collects Social Security numbers in the course of
380 business shall create a privacy protection policy which shall be
381 published or publicly displayed. For purposes of this subsection,
382 "publicly displayed" includes, but is not limited to, posting on an
383 Internet web page. Such policy shall: (1) Protect the confidentiality of
384 Social Security numbers, (2) prohibit unlawful disclosure of Social
385 Security numbers, and (3) limit access to Social Security numbers.

386 (c) As used in this section, "personal information" means
387 information capable of being associated with a particular individual
388 through one or more identifiers, including, but not limited to, a Social

389 Security number, a driver's license number, a state identification card
390 number, an account number, a credit or debit card number, a passport
391 number, an alien registration number or a health insurance
392 identification number, and does not include publicly available
393 information that is lawfully made available to the general public from
394 federal, state or local government records or widely distributed media.

395 (d) For persons who hold a license, registration or certificate issued
396 by a state agency other than the Department of Consumer Protection,
397 this section shall be enforceable only by such other state agency
398 pursuant to such other state agency's existing statutory and regulatory
399 authority.

400 (e) Any person or entity that violates the provisions of this section
401 shall be subject to a civil penalty of five hundred dollars for each
402 violation, provided such civil penalty shall not exceed five hundred
403 thousand dollars for any single event. It shall not be a violation of this
404 section if such violation was unintentional.

405 (f) The provisions of this section shall not apply to any agency or
406 political subdivision of the state.

407 (g) Any civil penalties received pursuant to this section shall be
408 deposited into the privacy protection guaranty and enforcement
409 account established pursuant to section 19 of this act.

410 Sec. 17. (NEW) (*Effective from passage*) (a) Any person or entity that
411 violates the provisions of section 42-470 of the general statutes shall be
412 subject to a civil penalty of five hundred dollars for each violation,
413 provided such civil penalty shall not exceed five hundred thousand
414 dollars for any single event. It shall not be a violation of section 42-470
415 of the general statutes if such violation was unintentional.

416 (b) Any civil penalties received pursuant to this section shall be
417 deposited in the privacy protection guaranty and enforcement account
418 established pursuant to section 19 of this act.

419 Sec. 18. (NEW) (*Effective from passage*) (a) The Commissioner of
420 Consumer Protection may conduct investigations and hold hearings on
421 any matter under the provisions of section 42-470 of the general
422 statutes and sections 15 to 22, inclusive, of this act. The commissioner
423 may issue subpoenas, administer oaths, compel testimony and order
424 the production of books, records and documents. If any person refuses
425 to appear, to testify or to produce any book, record, paper or document
426 when so ordered, upon application of the commissioner, the Superior
427 Court may make such order, as may be appropriate, to aid in the
428 enforcement of this section.

429 (b) The Attorney General, at the request of the Commissioner of
430 Consumer Protection, shall investigate and may apply to the Superior
431 Court for an order temporarily or permanently restraining and
432 enjoining any person from violating any provision of section 42-470 of
433 the general statutes and sections 15 to 22, inclusive, of this act.

434 Sec. 19. (NEW) (*Effective from passage*) (a) There is established a
435 "privacy protection guaranty and enforcement account" which shall be
436 a nonlapsing account within the General Fund. The account may
437 contain any moneys required by law to be deposited in the account.
438 Any balance remaining in the account at the end of any fiscal year shall
439 be carried forward in the account for the fiscal year next succeeding.
440 The account shall be used by the Commissioner of Consumer
441 Protection (1) for the reimbursement of losses sustained by individuals
442 injured by a violation of the provisions of section 42-470 of the general
443 statutes and sections 15 to 22, inclusive, of this act, and (2) for the
444 enforcement of section 42-470 of the general statutes and sections 15 to
445 22, inclusive, of this act.

446 (b) Payments received pursuant to section 42-470 of the general
447 statutes and sections 15 to 22, inclusive, of this act shall be credited to
448 the privacy protection guaranty and enforcement account. Any money
449 in the privacy protection guaranty and enforcement account may be
450 invested or reinvested and any interest arising from such investments
451 shall be credited to the account.

452 (c) Whenever an individual obtains a court judgment against any
453 person or entity for a violation of section 42-470 of the general statutes
454 and sections 15 to 22, inclusive, of this act, such individual may, upon
455 the final determination of, or expiration of time for, appeal in
456 connection with any such judgment, apply to the commissioner for an
457 order directing payment out of said privacy protection guaranty and
458 enforcement account of the amount unpaid upon the judgment for
459 actual damages and costs taxed by the court against the person or
460 entity, exclusive of punitive damages. The application shall be made
461 on forms provided by the commissioner and shall be accompanied by
462 a certified copy of the court judgment obtained against the person or
463 entity, together with a notarized affidavit, signed and sworn to by the
464 individual, affirming that the individual: (1) Has complied with all the
465 requirements of this subsection; (2) has obtained a judgment stating
466 the amount thereof and the amount owing thereon at the date of
467 application; and (3) has caused to be issued a writ of execution upon
468 such judgment, and the officer executing the same has made a return
469 showing that no bank accounts or real property of the person or entity
470 liable to be levied upon in satisfaction of the judgment could be found,
471 or that the amount realized on the sale of them or of such of them as
472 were found, under the execution, was insufficient to satisfy the actual
473 damage portion of the judgment or stating the amount realized and
474 the balance remaining due on the judgment after application thereon
475 of the amount realized, except that the requirements of this
476 subdivision shall not apply to a judgment obtained by the individual
477 in small claims court. A true and attested copy of such executing
478 officer's return, when required, shall be attached to such application
479 and affidavit.

480 (d) Upon receipt of such application together with such certified
481 copy of the court judgment, notarized affidavit and true and attested
482 copy of the executing officer's return, the commissioner, or the
483 commissioner's designee, shall inspect such documents for their
484 veracity and upon a determination that such documents are complete
485 and authentic, and a determination that the individual has not been

486 paid, the commissioner shall order payment out of the account of the
487 amount unpaid upon the judgment for actual damages and costs taxed
488 by the court against the person or entity, exclusive of punitive
489 damages.

490 (e) Whenever an individual is awarded an order of restitution
491 against any person or entity for loss or damages sustained by reason of
492 a violation of this chapter, in a proceeding brought by the
493 commissioner pursuant to section 42-470 of the general statutes and
494 sections 15 to 22, inclusive, of this act, or in a proceeding brought by
495 the Attorney General, such individual may, upon the final
496 determination of, or expiration of time for, appeal in connection with
497 any such order of restitution, apply to the commissioner for an order
498 directing payment out of the account of the amount unpaid upon the
499 order of restitution. The commissioner may issue said order upon a
500 determination that the individual has not been paid.

501 (f) Before the commissioner shall issue any order directing payment
502 out of the account to an individual pursuant to subsection (d) or (e) of
503 this section, the commissioner shall first notify the person or entity of
504 the individual's application for an order directing payment out of the
505 account and of the person or entity's right to a hearing to contest the
506 disbursement in the event that the person or entity has already paid
507 the individual. Such notice shall be given to the person or entity within
508 fifteen days of the receipt by the commissioner of the individual's
509 application for an order directing payment out of the account. If the
510 person or entity requests a hearing, in writing, by certified mail within
511 fifteen days of receipt of the notice from the commissioner, the
512 commissioner shall grant such request and shall conduct a hearing in
513 accordance with the provisions of chapter 54 of the general statutes. If
514 the commissioner receives no such written request by certified mail
515 from the person or entity for a hearing within fifteen days of the
516 person's or entity's receipt of such notice, the commissioner shall
517 determine that the individual has not been paid and the commissioner
518 shall issue an order directing payment out of the account for the
519 amount unpaid upon the judgment for actual damages and costs taxed

520 by the court against the person or entity, exclusive of punitive
521 damages, or for the amount unpaid upon the order of restitution.

522 (g) The commissioner, or the commissioner's designee, may proceed
523 against any person or entity for an order of restitution arising from loss
524 or damages sustained by any individual by reason of such person's or
525 entity's violation of any provision of section 42-470 of the general
526 statutes and sections 15 to 22, inclusive, of this act. Any such
527 proceeding shall be held in accordance with the provisions of chapter
528 54 of the general statutes. In the course of such proceeding, the
529 commissioner, or the commissioner's designee, shall decide whether to
530 order restitution arising from said loss or damages, and whether to
531 order payment out of the guaranty account. The commissioner, or the
532 commissioner's designee, may hear complaints of all individuals
533 submitting claims against a single person or entity in one proceeding.

534 (h) No application for an order directing payment out of the account
535 shall be made later than three years from the final determination of, or
536 expiration of time for, appeal in connection with any judgment or
537 order of restitution.

538 (i) Whenever an individual satisfies the commissioner, or the
539 commissioner's designee, that it is not practicable to comply with the
540 requirements of subdivision (3) of subsection (c) of this section and
541 that such individual has taken all reasonable steps to collect the
542 amount of the judgment or the unsatisfied part thereof and has been
543 unable to collect the same, said commissioner, or said commissioner's
544 designee, may, in his or her discretion, dispense with the necessity for
545 complying with such requirements.

546 (j) In order to preserve the integrity of the account, the
547 commissioner, in his or her sole discretion, may order payment out of
548 said account of an amount less than the actual loss or damages
549 incurred by the individual or less than the order of restitution awarded
550 by the commissioner or the Superior Court.

551 (k) If the money deposited in the privacy protection guaranty and

552 enforcement account is insufficient to satisfy any duly authorized
553 claim or portion thereof, the commissioner shall, when sufficient
554 money has been deposited in the account, satisfy such unpaid claims
555 or portions thereof, in the order that such claims or portions thereof
556 were originally determined.

557 (l) When the commissioner has caused any sum to be paid from the
558 privacy protection guaranty and enforcement account to an individual,
559 the commissioner shall be subrogated to all of the rights of the
560 individual up to the amount paid plus reasonable interest, and prior to
561 receipt of any payment from said account, the individual shall assign
562 all of his or her rights, title and interests in the claim up to such
563 amount to the commissioner, and any amount and interest recovered
564 by the commissioner on the claim shall be deposited in said account.

565 (m) If the commissioner orders the payment of any amount as a
566 result of a claim against any party, said commissioner shall determine
567 if the person or entity is possessed of assets liable to be sold or applied
568 in satisfaction of the claim on the account. If the commissioner
569 discovers any such assets, the Attorney General shall take any action
570 necessary for the reimbursement of the account.

571 (n) If the commissioner orders payment of an amount as a result of a
572 claim against any party, said commissioner may enter into an
573 agreement with the party whereby the party agrees to repay the
574 account in full in the form of periodic payments over a period not to
575 exceed five years.

576 Sec. 20. (NEW) (*Effective from passage*) No person shall file with the
577 commissioner any notice, statement or other document required under
578 the provisions of section 42-470 of the general statutes and sections 15
579 to 22, inclusive, of this act which is false or untrue or contains any
580 material misstatement of fact. Any person who violates the provisions
581 of this section shall be subject to a civil penalty pursuant to section 17
582 of this act.

583 Sec. 21. (NEW) (*Effective from passage*) Any person aggrieved by any

584 decision, order or regulation of the commissioner pursuant to section
 585 42-470 of the general statutes and sections 15 to 22, inclusive, of this act
 586 may appeal in accordance with the provisions of chapter 54 of the
 587 general statutes.

588 Sec. 22. (NEW) (*Effective from passage*) The Commissioner of
 589 Consumer Protection may adopt regulations, in accordance with the
 590 provisions of chapter 54 of the general statutes, to carry out the
 591 provisions of section 42-470 of the general statutes and sections 15 to
 592 21, inclusive, of this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	53a-129a
Sec. 2	<i>October 1, 2008</i>	53a-129b
Sec. 3	<i>October 1, 2008</i>	53a-129c
Sec. 4	<i>October 1, 2008</i>	53a-130
Sec. 5	<i>October 1, 2008</i>	New section
Sec. 6	<i>October 1, 2008</i>	New section
Sec. 7	<i>October 1, 2008</i>	52-571h
Sec. 8	<i>October 1, 2008</i>	54-93a
Sec. 9	<i>October 1, 2008</i>	54-1d(e)
Sec. 10	<i>October 1, 2008</i>	31-128b
Sec. 11	<i>October 1, 2008</i>	New section
Sec. 12	<i>October 1, 2008</i>	54-36h
Sec. 13	<i>from passage</i>	36a-40
Sec. 14	<i>October 1, 2008</i>	42-470
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>October 1, 2008</i>	New section
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section