
**Financial Institutions &
Insurance Committee**

SSB 5939

Brief Description: Requiring police reports to be given to victims of identity theft.

Sponsors: Senate Committee on Financial Institutions, Housing & Consumer Protection
(originally sponsored by Senators Fairley, Delvin, Kohl-Welles, Rockefeller, Oke, Rasmussen and Shin).

Brief Summary of Substitute Bill

- Requires police and sheriff's departments to provide a police report or original incident report at the request of any consumer claiming to be a victim of identity theft.

Hearing Date: 3/24/05

Staff: CeCe Clynch (786-7168).

Background:

"Identity theft" is defined, by the Federal Trade Commission (FTC), as "someone appropriating your personal information without your knowledge to commit fraud or theft." Identity theft is a crime. The criminal laws of Washington provide that "no person may knowingly obtain, possess, use, or transfer a means of identification or financial information of another person, living or dead, with the intent to commit, or aid or abet, any crime." With 5,654 complaints reported in Washington in 2004, this state is eighth among the states in the per capita reporting of identity theft.

Consumer credit reports contain personal information such as name, address, former address, and social security number. They also include information on bill paying habits, credit history, and public record information on finances such as bankruptcies, liens, and court judgments. The three primary consumer credit reporting agencies - Equifax, Experian, and Transunion - obtain much of their information from national credit card, automobile finance, and student loan companies which report to these three primary agencies regularly. Other, smaller entities which extend credit to consumers provide information as well, though not always on a regular basis.

Individuals, businesses, and government agencies may request a credit report for evaluating credit card, loan, mortgage, and small business financing applications, as well as for decisions regarding

employment and the rental or leasing of dwellings. Fair and accurate credit reports are critical to efficient and accurate evaluations

Current Washington law permits a victim of identity theft to permanently block a consumer credit reporting agency from reporting information the consumer identifies as being the result of identity theft. Federal law contains similar blocking provisions available to identity theft victims.

In order to take advantage of these laws, however, a consumer must provide a copy of a filed police report evidencing the consumer's claim to be a victim of identity theft. Some consumers report a reluctance on the part of some police departments to provide a police report.

Summary of Bill:

Washington's Fair Credit Reporting Act is amended to require that all police and sheriff's departments in Washington provide a police report or an original incident report at the request of any consumer claiming to be a victim of the crime of identity theft. It is specifically provided, however, that nothing in the section is to be construed to require a law enforcement agency to investigate reports of identity theft.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.