

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H.783 Name of Bill: Identity Theft

Agency/Dept: DPS/VSP Author of Bill Det. Tpr. Ashley Barnes
Review: _____

Date of Bill Review: February 2, 2016 Related Bills and Key Players: _____

Status of Bill: (check one)

X Upon Introduction _____ As passed by 1st body _____ As passed by both bodies _____

Recommended Position:

_____ Support _____ Oppose _____ Remain Neutral X Support with modifications identified in # 8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

This proposal is to eliminate section "B" of Title 13 VSA 2030 and replace it with what is labeled section "2" of H.783. The intent is establish circumstances under which an adult may use the name of a minor to create an Internet website account without consent, constituting identity theft. Circumstances, if any, which may have prompted the desire to change T13 VSA 2030 are unknown.

2. Is there a need for this bill?

Preceding event(s) that may have contributed to the desire for a change to the current statute are unknown. However, it appears many other states have similar laws protecting minors from identity theft in many forms. I feel it is necessary to expand the protection of everyone's identity, minors included.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

There are no anticipated fiscal or programmatic implications to the Vermont State Police based on this bill.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

There are no anticipated fiscal or programmatic implications to other departments in state government.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)

This bill will have little negative impact on other organizations. States Attorney's offices and the courts may see a limited increase in caseload.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

It is my opinion this bill will be well received by other law enforcement agencies, States Attorney's and the courts.

6.2 Who else is likely to oppose the proposal and why?

N/A

7. Rationale for recommendation:

The recommendations (see # 8 below) were derived from comparing this bill to the current Vermont Identity Theft statute as well as other states Identity Theft or similar statutes.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

In researching neighboring states (NY, NH, MA) no identity theft statutes were observed with wording specific to use of one's identity in creating Internet websites, whether it is a minor or adult. Other states such as Florida and Texas have much broader laws making it illegal for an adult to use a minor's identity for any purpose without consent of a parent or legal guardian. I believe this should be explored further. I agree with the protection of minor's identity on the Internet, but their identity should be further protected and not used without consent at all, as in other states.

Regarding identity protection specific to the Internet, the bill should consider expanding section two (2) for both adults and minors. There is potential for significant damage, both personally and professionally, to a person who is specifically targeted and whose identity is imitated online, but such acts do not violate VT criminal statute.

Section 2 of this bill would replace section B of T13 VSA 2030, which states "*No person shall knowingly or recklessly obtain, produce, possess, use, sell, give, or transfer personal identifying information belonging or pertaining to another person without the consent of the other person and knowingly or recklessly facilitating the use of the information by a third person to commit a misdemeanor or a felony.*" Although much of the wording in section B of T13 VSA 2030 is repeated from section A, a replacement of this section would remove the use by a third party from the criminal statute.

9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one?

If so, which one and how many?

N/A

Secretary/Commissioner has reviewed this document



Date: 2/4/16