Session 116 - (2005-2006)

H 4297 General Bill, By Kirsh, Leach, Bailey, Altman, Vaughn, Whipper, Coates, Moody-Lawrence, Mahaffey, G.R. Smith and Haley

Summary: Identity Theft Protection Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "IDENTITY THEFT PROTECTION ACT", BY ADDING CHAPTER 20 TO TITLE 37 PROVIDING FOR PROTECTIONS IN CONNECTION WITH CONSUMER CREDIT-REPORTING AGENCIES AND WITH THE USE AND COMMUNICATION OF A CONSUMER'S SOCIAL SECURITY NUMBER, IMPOSITION OF A SECURITY FREEZE ON A CONSUMER'S CREDIT REPORT, PRESCRIPTION OF MEASURES FOR DISPOSAL OF PERSONAL IDENTIFYING INFORMATION AND DISCLOSURE OF UNAUTHORIZED ACCESS TO PERSONAL IDENTIFYING INFORMATION, AND CIVIL DAMAGES, INCLUDING ATTORNEY'S FEES AND COSTS AND INJUNCTIVE RELIEF; BY REDESIGNATING THE FAMILY PRIVACY PROTECTION ACT OF CHAPTER 2, TITLE 30, AS ARTICLE 1 AND BY ADDING ARTICLE 3 PROVIDING FOR PROTECTION OF PERSONAL IDENTIFYING INFORMATION PRIVACY IN CONNECTION WITH A PUBLIC BODY AND ITS USE AND COMMUNICATION OF A RESIDENT'S SOCIAL SECURITY NUMBER, PRESCRIPTION FOR DISCLOSURE OF SOCIAL SECURITY INFORMATION AND IDENTIFYING INFORMATION BY AND TO CERTAIN PUBLIC BODIES, PROHIBITION OF REQUIRING THE USE OF PERSONAL IDENTIFYING INFORMATION ON A MORTGAGE AND IN PREPARATION OF DOCUMENTS FOR PUBLIC FILING; AND PROCEDURE FOR REDACTING CERTAIN PERSONAL IDENTIFYING INFORMATION FROM PUBLIC RECORDS; BY ADDING SECTION 16-13-540 SO AS TO PROVIDE FOR THE EXPUNCTION OF THE CRIMINAL RECORD OF A NAMED INDIVIDUAL INCURRED AS A RESULT OF THE UNLAWFUL USE OF HIS IDENTIFYING INFORMATION; BY ADDING SECTION 16-13-550 SO AS TO PROVIDE FOR REPORTING OF THE CRIME OF FINANCIAL IDENTITY FRAUD TO THE LOCAL LAW ENFORCEMENT AGENCY AND REFERENCE BY THE LOCAL AGENCY TO THE AGENCY WITH JURISDICTION TO INVESTIGATE AND PROSECUTE; BY AMENDING SECTION 16-13-510, RELATING TO THE OFFENSE OF FINANCIAL IDENTITY FRAUD, SO AS TO INCLUDE THE USE OF ANOTHER'S INFORMATION TO OBTAIN ANYTHING OF VALUE, INCLUDING CREDIT, TO AVOID LEGAL CONSEQUENCES, OR TO OBTAIN EMPLOYMENT, AND TO PROVIDE, FOR EXCEPTIONS, TO FURTHER DEFINE "IDENTIFYING INFORMATION", AND TO PROVIDE FOR CRIMINAL PENALTIES, INCLUDING RESTITUTION; BY AMENDING SECTION 16-13-520, RELATING TO PROSECUTION OF THE CRIME OF FINANCIAL IDENTITY FRAUD, SO AS TO FURTHER PROVIDE FOR THE COUNTY IN WHICH THE CRIME IS CONSIDERED TO HAVE BEEN COMMITTED; BY ADDING SECTION 1-11-490 SO AS TO PROVIDE FOR DISCLOSURE BY AN AGENCY OF THIS STATE OF UNAUTHORIZED ACCESS TO THE PERSONAL IDENTIFYING INFORMATION OF A RESIDENT WHOSE INFORMATION THE AGENCY OWNS OR LICENSES AND TO PROVIDE FOR CIVIL DAMAGES, ATTORNEY'S FEES, AND INJUNCTIVE RELIEF; AND TO PROVIDE VARIOUS EFFECTIVE DATES.

11/16/05	**House**	**Prefiled**
11/16/05	**House**	**Referred to Committee on Judiciary**
01/10/06	**House**	**Introduced and read first time HJ-20**
01/10/06	**House**	**Referred to Committee on Judiciary HJ-21**
01/17/06	**House**	**Member(s) request name added as sponsor: Haley**