

AMENDED IN SENATE APRIL 24, 2001

AMENDED IN SENATE MARCH 6, 2001

SENATE BILL

No. 125

**Introduced by ~~Senator Alpert~~ *Senators Alpert, Figueroa, Kuehl,
and Romero***

*(Coauthors: Assembly Members Aroner, Bates, Negrete McLeod, and
Pavley)*

January 25, 2001

An act to add Section 1748.13 to the Civil Code, to add Section 4002 to, and to add Article 6 (commencing with Section 22470) to Chapter 2 of Division 9 of the Financial Code, and to add Section 530.8 to the Penal Code, relating to identity theft.

LEGISLATIVE COUNSEL'S DIGEST

SB 125, as amended, Alpert. Identity theft.

Existing law provides that every person who willfully obtains personal identifying information, as defined, of another person without the authorization of that person, and uses that information for any unlawful purpose in the name of the other person without the consent of that person is guilty of a public offense. Existing law further provides that a person who learns or reasonably suspects that his or her personal identifying information has been used by another to commit a crime may initiate a law enforcement investigation by contacting the local law enforcement agency. Under existing law, the law enforcement agency must take a police report of the matter and provide the complainant with a copy of that report.

This bill would entitle a person who discovers that an unauthorized person has applied for a loan, credit card, ~~or~~ charge card, *or utility*

service account or has opened an account with a bank ~~account~~, other financial institution, or utility company, in his or her name to receive a copy of the application ~~and~~ or information related to that application, loan, credit card, charge card, or utility service account if he or she presents to the entity with which the application was filed or the account was established a copy of a police report regarding the identity theft crime and the personal identifying information that was used to complete the application or establish the account.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1748.13 is added to the Civil Code, to
2 read:

3 1748.13. (a) Upon the request of a person who has obtained
4 a police report pursuant to Section 530.6 of the Penal Code, a credit
5 card issuer shall provide to the person, or to a law enforcement
6 officer designated by the person, copies of all application forms
7 ~~and~~ or application information containing the person’s name,
8 address, or other identifying information *pertaining to the*
9 *application filed with the credit card issuer by an unauthorized*
10 *person in violation of Section 530.6 of the Penal Code.* Before
11 providing the person with copies pursuant to this section, the credit
12 card issuer shall require the person to provide a copy of the police
13 report and the personal identifying information that the
14 unauthorized person used to complete the application. The credit
15 card issuer shall provide copies of all forms and information
16 required by this section, without charge, within 10 *business* days
17 of receipt of the person’s request and submission of the required
18 copy of the police report and personal identification.

19 (b) As used in this section, “law enforcement officer” means
20 a peace officer as defined by Section 830.1 of the Penal Code.

21 SEC. 2. Section 4002 is added to the Financial Code, to read:

22 4002. (a) Upon the request of a person who has obtained a
23 police report pursuant to Section 530.6 of the Penal Code, a
24 supervised financial organization shall provide to the person, or to
25 a law enforcement officer designated by the person, copies of all
26 application forms ~~and~~ or application information containing the
27 person’s name, address, or other identifying information



1 *pertaining to the application filed with the supervised financial*
2 *organization by an unauthorized person in violation of Section*
3 *530.6 of the Penal Code.* Before providing the person with copies
4 pursuant to this section, the supervised financial organization shall
5 require the person to provide a copy of the police report and the
6 personal identifying information that the unauthorized person
7 used to complete the application. The supervised financial
8 organization shall provide copies of all forms and information
9 required by this section, without charge, within 10 *business* days
10 of receipt of the person’s request and submission of the required
11 copy of the police report and personal identification.

12 (b) As used in this section, “law enforcement officer” means
13 a peace officer as defined by Section 830.1 of the Penal Code.

14 SEC. 3. Article 6 (commencing with Section 22470) is added
15 to Chapter 2 of Division 9 of the Financial Code, to read:

16

17 Article 6. Disclosure of Loan Applications

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19 22470. (a) Upon the request of a person who has obtained a
20 police report pursuant to Section 530.6 of the Penal Code, a
21 finance lender engaged in the business of making consumer loans
22 shall provide to the person, or to a law enforcement officer
23 designated by the person, copies of all application forms ~~and or~~
24 application information containing the person’s name, address, or
25 other identifying information *pertaining to the application filed*
26 *with the finance lender by an unauthorized person in violation of*
27 *Section 530.6 of the Penal Code.* Before providing the person with
28 copies pursuant to this section, the finance lender shall require the
29 person to provide a copy of the police report and the personal
30 identifying information that the unauthorized person used to
31 complete the application. The finance lender shall provide copies
32 of all forms and information required by this section, without
33 charge, within 10 *business* days of receipt of the person’s request
34 and submission of the required copy of the police report and
35 personal identification.

36 (b) As used in this section, “law enforcement officer” means
37 a peace officer as defined by Section 830.1 of the Penal Code.

38 SEC. 4. Section 530.8 is added to the Penal Code, to read:

39 530.8. If a person discovers that an application in his or her
40 name for a loan, credit card, ~~or charge card~~ *charge card, or utility*



1 *service account* has been filed with any person by an unauthorized
2 person, or that an account in his or her name has been opened with
3 a bank, trust company, savings association, ~~or credit union~~ *credit*
4 *union, or utility company* by an unauthorized person, then, upon
5 presenting to the person or entity with which the application was
6 filed or the account was opened a copy of a police report prepared
7 pursuant to Section 530.6 and the personal identifying information
8 that the unauthorized person used to complete the application or
9 to open the account, the person shall be entitled to receive
10 information related to the loan, credit card, charge card, or
11 account, including a copy of the unauthorized person's application
12 *or application information* for, and ~~records~~ *a record* of
13 transactions associated with, the loan, credit card, charge card, or
14 account.

