

ASSEMBLY BILL

No. 2455

Introduced by Assembly Member Campos

February 24, 2012

An act to add Section 1798.98 to the Civil Code, relating to identity theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 2455, as introduced, Campos. Identity theft: local agencies.

Existing law requires any state executive agency that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Existing law also permits a person to bring an action against a claimant to establish that the person is a victim of identify theft in connection with the claimant's claim against that person for money or an interest in property in connection with a transaction procured through identity theft.

This bill would require any local agency in possession or control of personal identifying information that is known, or reasonably suspected, to have been the target of identity theft, to notify the person who is the subject of the personal identifying information that an unauthorized access of that information has occurred, and that the person may be the victim of identity theft. The bill would create a state-mandated local program by imposing new duties on local agencies.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 1798.98 is added to the Civil Code, to
2 read:

3 1798.98. Any local agency, as defined in subdivision (a) of
4 Section 6252 of the Government Code, in possession or control
5 of personal identifying information that is known, or reasonably
6 suspected, to have been the target of identity theft, shall notify the
7 person who is the subject of the personal identifying information
8 that an unauthorized access of that information has occurred, and
9 that the person may be the victim of identity theft.

10 SEC. 2. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.