

June 17, 2002

H 1764. FINANCIAL IDENTITY FRAUD. TO FURTHER DEFINE AND DETER THE CRIME OF FINANCIAL IDENTITY FRAUD AND TO PROVIDE ADDITIONAL PROTECTIONS TO CONSUMERS WHO ARE THE VICTIMS OF FINANCIAL IDENTITY FRAUD. Makes *attempted* financial identity fraud a crime as well as identity fraud with respect to a deceased person. Defines both a “business victim” and a “consumer victim.” Extends the scope of “identifying information” (the possession and use of which can constitute the crime) to include biometric data, fingerprints, passwords, and the parent’s legal surname prior to marriage. Defines the crime of trafficking in stolen identities. Enhances the range of remedies for both business victims and consumer victims, providing for causes of action for actual and punitive damages, and restitution. Amends GS 14-113.23 to define financial identity fraud as an unfair or deceptive practice and authorizes Attorney General to investigate complaints. Adds new GS ch. 75, art. 4 (“Financial Identity Fraud Prevention and Assistance to Victims”). Adds GS 75-101 to generally prohibit credit card provider from reproducing more than the last five digits of the credit card account number and the card expiration date on any receipt made available to the cardholder. Adds GS 75-102 to restrict a business from discarding a record containing certain personal information unless it destroys, erases, or modifies it. Adds GS 75-104 to require credit card issuer to verify any changes of address if the completed application lists an address that differs from the address on the solicitation. Adds GS 75-106 providing a procedure whereby the consumer victim may compel a consumer credit reporting agency to block the reporting of certain information appearing on the consumer’s credit report. Adds GS 75-107 concerning information made available to victims of financial identity fraud. Establishes the Bureau of Privacy Protection in the Office of the Attorney General and appropriates \$50,000 for fiscal 2002-2003 from General Fund to the Dep’t of Justice to carry out purposes of bill. Effective Dec. 1, 2002, and applies to offenses committed on or after that date.

Intro. by Baddour, Culpepper.

Ref. to Judiciary II	GS 14, 75, APPROP
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