

**HOUSE . . . . . No. 1454**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to preventing pretexting in the Commonwealth..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 37E of chapter 266 of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by striking subsections (d) and (e) and inserting in place  
3 thereof the following : --

4           (d) Whoever, with intent to defraud, provides false or misleading identification to a  
5 person for the purpose of gaining access to any personal identifying information of that person,  
6 shall be guilty of identity fraud and shall be punished by a fine of not more than \$5,000 or  
7 imprisonment in a house of correction for not more than two and one-half years, or by both such  
8 fine and imprisonment.

9           (e) Whoever, with intent to defraud, uses any personal identifying information of another  
10 person outside the scope of its original authorized use for the purpose of gaining access to any  
11 record of the actions taken, communications made or received, or other activities or transactions  
12 of that person, shall be guilty of identity fraud and shall be punished by a fine of not more than  
13 \$5,000 or imprisonment in a house of correction for not more than two and one-half years, or by  
14 both such fine and imprisonment.

15           (f) A person found guilty of violating any provisions of this section shall, in addition to  
16 any other punishment, be ordered to make restitution for financial loss sustained by a victim as a  
17 result of such violation. Financial loss may include any costs incurred by such victim in  
18 correcting the credit history of such victim or any costs incurred in connection with any civil or  
19 administrative proceeding to satisfy any debt or other obligation of such victim, including lost  
20 wages and attorney's fees.

21           (g) A law enforcement officer may arrest without warrant any person he has probable  
22 cause to believe has committed the offense of identity fraud as defined in this section.