

HOUSE No. 2207

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to preventing pretexting in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/20/2011</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>	<i>1/27/2011</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/2/2011</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>	<i>2/2/2011</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>2/3/2011</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>2/3/2011</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/3/2011</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>	<i>2/4/2011</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>2/4/2011</i>
<i>Bruce E. Tarr</i>		<i>2/4/2011</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>	<i>2/4/2011</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>2/4/2011</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/21/2011</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>	<i>2/1/2011</i>

HOUSE No. 2207

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2207) of Bradley H. Jones, Jr., and others relative to identity fraud in the Commonwealth. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1454 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 2008
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.