

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Bradley H. Jones, Jr., George N. Peterson, Jr.**

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*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 passage of the accompanying bill:

**An Act relative to preventing pretexting in the Commonwealth.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol
Paul K. Frost	7th Worcester
Susan Williams Gifford	2nd Plymouth
Bradford R. Hill	4th Essex
Richard J. Ross	9th Norfolk
Todd M. Smola	1st Hampden
Robert S. Hargraves	1st Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1521 OF 2007-2008.]

## The Commonwealth of Massachusetts

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

13 or imprisonment in a house of correction for not more than two and one-half years, or by both  
14 such fine and imprisonment.

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

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