

New Identity Crime Laws Help Consumers and Law Enforcement



By **Greg Abbott**
Attorney General of Texas

Thousands of honest, hard-working people fall prey to identity theft each year. In 2002 alone, 14,000 Texans told the Federal Trade Commission they were victims of identity crime.

Identity theft is a felony crime in Texas where one person uses another individual's personal or financial information for fraudulent purposes. The fallout can be devastating, as victims spend large amounts of time and money trying to clear their names. In response to the growing identity crime epidemic, the 78th Texas Legislature passed four new laws to assist victims and law enforcement agencies.

House Bill 254 changed venue requirements to allow prosecution of identity theft in the county where the victim resides. It is common for an ID thief to live in a different city, state or even country than the victim. This has caused jurisdictional problems for law enforcement agencies. The new law clarifies this issue.

Under S.B. 473, victims who file a valid police report may place a security freeze with the appropriate credit agency. If a police report is not imme-

diately available, victims can place a security alert in their credit files. Alerts are only valid for 45 days, but there is no limit on how many times a victim can place an alert with a credit bureau.

S.B. 473 also requires Texas police officers to undergo mandatory training on identity theft. Our agency recently joined the Federal Trade Commission and the U.S. Postal Service to train law enforcement in the investigation of identity crimes.

Besides causing financial and credit problems, identity crime often has criminal implications for the victim. Many ID thieves will give false information when they are apprehended for other offenses. This means that a criminal record may be created under the victim's name. Senate Bill 566 was written to address this problem.

Under S.B. 566, an arresting law enforcement agency that was misled by a suspect must notify the ID theft victim regarding the misuse of their identity. S.B. 566 allows the victim to file a declaration with the Texas Department of Public Safety. The victim is entitled to expunction of the false criminal record.

Finally, House Bill 2138 makes it illegal to scan the magnetic strip of a credit or ATM card without the consent of the authorized owner of the card. Violations of H.B. 2138 are a Class B misdemeanor.

Identity theft scam artists are using high tech scanning devices to steal money from hard working Texans. It can happen fast. A criminal can take your card, scan the magnetic strip and replace it in your restaurant table or shopping mall counter before you know it's gone.

We urge consumers to be very cautious about giving out their personal financial information. There seems to be no end to the tricks that ID criminals use to get information. Our office has received several complaints of scam e-mails ranging from lottery hoaxes and advanced fee fraud to fraudulent e-mails requesting personal information from what appears to be a legitimate business.

No matter what a caller or e-mailer says, do not give out your social security number, driver's license number or other personal information over the phone or by email.

Unfortunately identity crime is here to stay. However, these new laws are an excellent step toward curtailing identity crime and allowing consumers and law enforcement agencies to fight this menace together.

POINTS TO REMEMBER

- Safeguard your personal information and documents.
- Memorize your PIN numbers and passwords instead of writing them down.

NEVER give out personal financial information over the telephone or by email.

REPORT ID theft to your local police department.

FILE ID theft complaint on FTC's Web site at www.ftc.gov.

CONTACT the major credit bureaus as follows:

EXPERIAN
P.O. Box 2104
Allen, TX 75013-2104
888-397-3742
www.experian.com

EQUIFAX
P.O. Box 740241
Atlanta, GA 30374-0241
800-685-1111
www.equifax.com

TRANS UNION
P.O. Box 2000
Chester, PA 19022-2000
800-888-4213
www.tuc.com



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