

HB 1746 -- Identity Theft

Sponsor: Lampe

This bill defines "breach of security of the system," "personal information," "proper identification," "security alert," and "security freeze." Any person or company that conducts business in Missouri and owns or licenses computerized data which includes personal information is required to disclose a breach of security to any resident whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Notification must be made within 30 days of the discovery of the breach and may be given by written or electronic notice. Substitute notice may be given if the cost of providing notice would exceed \$250,000. Violation of this requirement will be a class A misdemeanor.

A consumer is allowed to place a security alert or freeze on his or her credit report. Once a security alert has been placed on a report, a consumer credit reporting agency will notify each person requesting consumer credit information of the alert. If a security freeze is in place, information from a consumer's credit report may not be released to a third party without prior express authorization from the consumer, and a consumer credit reporting agency will not change any of the identification information in a report without sending a written confirmation of the change to the consumer.

A consumer credit reporting agency must disclose in writing to the consumer a summary of his or her rights under Missouri law. Any person violating the requirements of the bill may be liable for any actual damages sustained by the consumer as a result of his or her negligence and the costs and attorney fees associated with any lawsuit.

The crimes of obtaining or using telephone or cellular phone call logs with the intent to deceive or defraud and purchasing, selling, or obtaining telephone or cellular phone call logs without a person's consent or other legal authorization are created, class B misdemeanors.

Any person convicted of the crime of identity theft which resulted in the theft of credit, money, goods, services, or other property of less than \$500 from a disabled or elderly person will be guilty of a class D felony. If the theft of credit, money, goods, services, or other property was more than \$500 but not exceeding \$5,000 and the victim is a disabled or elderly person, it will be a class B felony.