

By: Representative Clark

To: Judiciary A

HOUSE BILL NO. 881

1 AN ACT TO ESTABLISH A PROCEDURE FOR A VICTIM OF IDENTITY
2 THEFT TO HAVE THE DEBT FORGIVEN AND CREDIT REPORTS PURGED; AND FOR
3 RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Any person who is the victim of identity theft
6 (whose identity has been stolen and used for obtaining goods,
7 money or anything of value without that person's permission) may
8 write a letter to a creditor that claims to have a debt owing to
9 them as a result of such identity theft informing the creditor of
10 the theft and requesting the creditor to forgive the debt and
11 report the satisfaction of the debt to the three credit bureaus.
12 After thirty (30) days, if the creditor fails to forgive the debt
13 and contact the credit bureaus, then the victim may petition the
14 chancery court where the petitioner resides or where the debt was
15 incurred, naming the creditor as defendant and giving notice to
16 the creditor of the filing of the petition. The creditor is not
17 required to file an answer in order for the petitioner's claim to
18 be heard. In the petition, the victim must prove under oath:

19 (a) That the petitioner did not incur the debt or give
20 consent for the debt;

21 (b) That the petitioner did not have knowledge at the
22 time that the debt was incurred;

23 (c) That the petitioner has filed a formal complaint
24 and report with the law enforcement agency where he resides or
25 where the debt was incurred; and

26 (d) That the petitioner did not receive any pecuniary
27 benefit as a result of the debt.

28 Upon satisfactory showing to the court, the court shall issue
29 an order requiring the creditor to forgive the debt and report
30 satisfaction of the debt to the credit bureaus.

31 **SECTION 2.** This act shall take effect and be in force from
32 and after July 1, 2006.