

By: Representative Clark

To: Judiciary A

HOUSE BILL NO. 821

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 (3) credit  
12 bureaus. After thirty (30) days, if the creditor fails to forgive  
13 the debt and contact the credit bureaus, then the victim may  
14 petition the chancery court where the petitioner resides or where  
15 the debt was incurred, naming the creditor as defendant and giving  
16 notice to the creditor of the filing of the petition. The  
17 creditor is not required to file an answer in order for the  
18 petitioner's claim to be heard. In the petition, the victim must  
19 prove under oath:

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

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

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

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

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

32                   **SECTION 2.** This act shall take effect and be in force from  
33 and after July 1, 2007.