

By: Senator(s) Jones

To: Judiciary, Division A

SENATE BILL NO. 2243

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 may comply with the provisions of Section 97-45-27 and
7 subsequently send via certified mail a letter to a creditor that
8 claims to have a debt owing as a result of the identity theft
9 informing the creditor of the theft and requesting the creditor to
10 release the victim from any and all obligations of the debt and
11 report such release to all credit reporting bureaus identified in
12 the letter and request removal of the debt from the victim's
13 credit history. Thirty (30) days after receipt of the certified
14 letter, if the creditor fails to forgive the debt and contact the
15 credit bureaus, then the victim may petition the chancery court
16 where the petitioner resides or where the debt was incurred,
17 naming the creditor as defendant and providing service of process
18 to the creditor in accordance with the Mississippi Rules of Civil
19 Procedure. The creditor is not required to file an answer in
20 order for the petitioner's claim to be heard. The victim shall
21 file a sworn petition evidencing:

22 (a) That the petitioner did not incur the debt or give
23 consent for the debt;

24 (b) That the petitioner did not have knowledge of the
25 debt at the time that the debt was incurred;

26 (c) That the petitioner has filed a formal complaint
27 and report with the law enforcement agency where he resides or



28 where the debt was incurred and complied with Section 97-45-27;
29 and

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

32 Upon satisfactory showing to the court, the court may issue
33 an order requesting the creditor to release the victim from any
34 and all obligations of the debt and report such release to all
35 credit bureaus identified in the letter and request removal of the
36 debt from the victim's credit history.

37 **SECTION 2.** Notwithstanding any other provisions of law, when
38 credit report error correction services that improve or offer to
39 improve a consumer's credit report, listing or rating are
40 performed by an individual on his own behalf or by an attorney in
41 the course of the lawful practice of law in this state, the
42 individual or attorney is exempt from the provisions of Section
43 81-22-3.

44 **SECTION 3.** This act shall take effect and be in force from
45 and after July 1, 2009.

