SENATE BILL NO. 2243

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

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

SECTION 1. Any person who is the victim of identity theft may comply with the provisions of Section 97-45-27 and subsequently send via certified mail a letter to a creditor that claims to have a debt owing as a result of the identity theft informing the creditor of the theft and requesting the creditor to release the victim from any and all obligations of the debt and report such release to all credit reporting bureaus identified in the letter and request removal of the debt from the victim's credit history. Thirty (30) days after receipt of the certified letter, if the creditor fails to forgive the debt and contact the credit bureaus, then the victim may petition the chancery court where the petitioner resides or where the debt was incurred, naming the creditor as defendant and providing service of process to the creditor in accordance with the Mississippi Rules of Civil Procedure. The creditor is not required to file an answer in order for the petitioner's claim to be heard. The victim shall file a sworn petition evidencing:

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

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

   (c) That the petitioner has filed a formal complaint and report with the law enforcement agency where he resides or
where the debt was incurred and complied with Section 97-45-27;
and
(d) That the petitioner did not receive any pecuniary benefit as a result of the debt.

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

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

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