

By: Senator(s) Jones, Harden, Jordan, Butler To: Judiciary, Division A

SENATE BILL NO. 2476

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  
8 claiming 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 as against the  
15 victim and contact the credit bureaus, then the victim may  
16 petition the chancery court where the petitioner resides or where  
17 the debt was incurred, naming the creditor as defendant and  
18 providing service of process to the creditor in accordance with  
19 the Mississippi Rules of Civil Procedure. The creditor is not  
20 required to file an answer in order for the petitioner's claim to  
21 be heard. The victim shall 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, 2010.

