

By: Representatives Clark, Scott

To: Judiciary B

HOUSE BILL NO. 1057

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 personal identity information has been used for obtaining  
7 goods, money or anything of value without that person's  
8 authorization) may send via certified mail a letter to a creditor  
9 that claims to have a debt owing to them as a result of the  
10 identity theft, informing the creditor of the theft and requesting  
11 the creditor to release the victim from any and all obligations of  
12 the debt and report that release to all credit reporting bureaus  
13 identified in the letter and request removal of the debt from the  
14 victim's credit history. Sixty (60) days after receipt of the  
15 certified letter from the victim, if the creditor fails to forgive  
16 the debt and contact the credit bureaus, then the victim may  
17 petition the chancery court where the petitioner resides or where  
18 the debt was incurred, naming the creditor as defendant and



19 providing service of process to the creditor in accordance with  
20 the Mississippi Rules of Civil Procedure. The creditor is not  
21 required to file an answer in order for the petitioner's claim to  
22 be heard. The victim shall file a sworn petition evidencing:

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

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

27 (c) That the petitioner has filed a formal complaint  
28 and report with the law enforcement agency where he resides or  
29 where the debt was incurred; 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 shall issue  
33 an order requiring the creditor to release the victim from any and  
34 all obligations of the debt and shall authorize the petitioner to  
35 report that release to all credit bureaus identified in the letter  
36 and request removal of the debt from the victim's credit history.

37 **SECTION 2.** This act shall take effect and be in force from  
38 and after July 1, 2014.

