

By: Representative Clark

To: Judiciary B

HOUSE BILL NO. 544

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.** (1) As used in this section, the term "identity
6 theft" means the use of a person's personal identity information
7 to obtain goods, money or anything of value without that person's
8 authorization.

9 (2) Any person who is the victim of identity
10 theft * * * may send via certified mail a letter to a creditor
11 that claims to have a debt owing to them as a result of the
12 identity theft, informing the creditor of the theft and requesting
13 the creditor to release the victim from any and all obligations of
14 the debt and report that release to all credit reporting bureaus
15 identified in the letter and request removal of the debt from the
16 victim's credit history. Sixty (60) days after receipt of the
17 certified letter from the victim, if the creditor fails to forgive
18 the debt and contact the credit bureaus, then the victim may



19 petition the chancery court where the petitioner resides or where
20 the debt was incurred, naming the creditor as defendant and
21 providing service of process to the creditor in accordance with
22 the Mississippi Rules of Civil Procedure. The creditor is not
23 required to file an answer in order for the petitioner's claim to
24 be heard. The victim shall file a sworn petition evidencing:

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

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

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

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

34 Upon satisfactory showing to the court, the court shall issue
35 an order requiring the creditor to release the victim from any and
36 all obligations of the debt and shall authorize the petitioner to
37 report that release to all credit bureaus identified in the letter
38 and request removal of the debt from the victim's credit history.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2016.

