

By: Representative Clark

To: Judiciary B

HOUSE BILL NO. 235

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



19 chancery court where the petitioner resides or where the debt was
20 incurred, naming the creditor as defendant and providing service
21 of process to the creditor in accordance with the Mississippi
22 Rules of Civil Procedure. The creditor is not required to file an
23 answer in order for the petitioner's claim to be heard. The
24 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, 2020.

