

2009 HOUSE JUDICIARY

HB 1184

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1184

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/19/09

Recorder Job Number: 7225, 7226

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on HB 1184.

Rep. Lois Delmore: Sponsor of the bill. This is a simple bill. We've been working in this committee, and this bill says that you may report the identity theft in the place of your choice and they have to be provided the information that you asked for, as far as the identity theft. LC drafted the bill.

Chairman DeKrey: Thank you. Further testimony in support.

Parrell Grossman, AAG, Fraud Division: Support. The AG and I have reviewed this legislation and we support this. It's always a good idea to make available the process of filing an incident report, whether it is the police department or another law enforcement agency. The bill clarifies that the victim can file an incident report where they live, or where the crime or incident occurred. That is a good thing. As the committee may be aware, the creditors, etc. really require that there be a filing of a police report in order to authenticate the commission of the crime or identity theft.

Rep. Koppelman: Is this a problem, that local law enforcement doesn't want to file a report for the victim. Does existing law not do this.

Parrell Grossman: I'm not necessarily aware of the problem. I'm not aware of any consumers that filed an official report with the AG saying their local enforcement jurisdiction refused their claim; but arguably they could do so. This will require them to do this.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing. What are the committee's wishes in regard to HB 1184.

Rep. Koppelman: I move a Do Pass.

Rep. Griffin: Second.

11 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Koppelman

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1184

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/2/09

Recorder Job Number: 8358

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will take a look at HB 1184.

Rep. Koppelman: This is the bill having to do with identity theft and police reports. We passed this out of committee quite a while ago, and it was on the Floor, and I was the carrier.

The reason we brought it back to the committee, because there was a little bit of discussion while it was here, about whether or not that this mirrored something we already had in statute, and further investigation shows that it does. So we're proposing an amendment which I think will put it in the proper section.

Rep. Delmore: It doesn't totally mirror that other law. It changes the location of where people may file the identity theft report with the police.

Rep. Koppelman: That's correct. There's one thing that is different about the bill vs. current law. We enacted legislation a few years ago which deals with law enforcement agencies being required to take police reports for identity theft. That is important because when people have an identity theft claim, one of the first requirements in federal statutes, some of the credit card companies, some of the credit card reporting agencies ask where your police report is. The dilemma we are running into years ago, if you went to your local police and told them that you were a victim of identity theft and they looked into it and said this identity theft occurred in New

Jersey (the credit card company) we don't have any jurisdiction over that, we can't investigate that. They simply wouldn't take a report. So we enacted legislation about four years ago, to ensure that they needed to take a report, if you take it to the police or law enforcement agency where you live, they have to take a report. This bill sought to do that again, but we've already done it; what the bill does as Rep. Delmore points out, it is different in that it also requires that a law enforcement entity in the jurisdiction where the offense occurred would need to take a report, and they probably would do that anyway because it's in their jurisdiction, but we think it is important to amend current law with that provision to just ensure that it can either be taken where you live or where the offense occurred. I move that we reconsider our action to HB 1184.

Rep. Delmore: Second.

Chairman DeKrey: Voice vote. Motion carried.

Rep. Koppelman: I move the amendments to HB 1184.

Rep. Delmore: Second.

Chairman DeKrey: Voice vote. Motion carried. We now have the bill before us as amended.

Rep. Koppelman: I move a Do Pass as amended.

Rep. Hatlestad: Second.

Chairman DeKrey: Further discussion.

13 YES 0 NO 0 ABSENT DO PASS AS AMENDED

CARRIER: Rep. Koppelman

Date: 1/19/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1184

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ DP ☐ DNP ☐ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. Koppelman Seconded By Rep. Griffin

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf		
Rep. Hatlestad	✓		Rep. Zaiser		
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 11 No 0

Absent 2

Floor Carrier: Rep. Koppelman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 19, 2009 4:24 p.m.

Module No: HR-10-0528
Carrier: Koppelman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1184: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1184 was placed on the
Eleventh order on the calendar.

VK
2/2/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1184

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 51-31-04 of the North Dakota Century Code, relating to law enforcement reports for individuals who are the victims of identity theft.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 51-31-04 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual who has learned or reasonably suspects that the individual's personal identifying information has been unlawfully used by another, as described in section 12.1-23-11, may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction over the individual's residence or any other jurisdiction in which any part of the offense occurred. The law enforcement agency shall take a report of the matter, provide the individual with a copy of that report, and begin an investigation of the facts. If the suspected crime was committed in a different jurisdiction, the local law enforcement agency may refer the matter to the law enforcement agency where the suspected crime was committed for further investigation of the facts."

Renumber accordingly

Date: 2/2/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1184

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ DP ☐ DNP ☒ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. Koppelman Seconded By Rep. Hatlestad

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser	✓	
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 0

Floor Carrier: Rep. Koppelman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1184: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1184 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 51-31-04 of the North Dakota Century Code, relating to law enforcement reports for individuals who are the victims of identity theft.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 51-31-04 of the North Dakota Century Code is amended and reenacted as follows:

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Renumber accordingly

2009 SENATE JUDICIARY

HB 1184

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1184

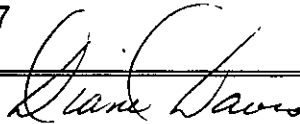
Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 3/11/09

Recorder Job Number: 10667

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Relating to law enforcement reports for individuals who are the victims of identity theft.

Representative Lois Delmore – Introduces the bill, explains the bill. The intent of the bill is to allow a victim to file a report for identity theft in a county other than where they reside.

Senator Nething – States, basically it is to broaden the jurisdiction from the residence to where the theft occurred.

Rep. Delmore – Replies, yes, this is just to have a report on file for creditors that you were a victim of identity theft.

Senator Fiebiger – He wonders how big a problem is this and what about the jurisdiction.

Rep. Delmore – Replies, she's not sure that is as big an issue but this will make it the most speedy process we could use. If you're away from home and realize you're a victim it can be reported wherever you are.

Senator Schneider – Asks, how law enforcement will respond? Would they turn it over to the resident's county?

Rep. Delmore – Responds, yes eventually they would for the investigation but they would note it was reported to them so proceedings can start with the credit card company.

Senator Olafson – Said he is trying to understand the advantage to the victim.

Rep. Delmore – States, the report could be put in right away.

Close the hearing on 1184

Senator Lyson motions for a do pass

Senator Schneider seconds

Vote – 6-0

Senator Lyson will carry

Date: 3/11/09
Roll Call Vote #: 1
1184

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Sen Lyson Seconded By Sen Schneider

Senators	Yes	No	Senators	Yes	No
Sen. Dave Nething – Chairman	X		Sen. Tom Fiebiger	X	
Sen. Curtis Olafson – V. Chair.	X		Sen. Carolyn Nelson	X	
Sen. Stanley W. Lyson	X		Sen. Mac Schneider	X	

Total (Yes) 6 (N) 0

Absent _____

Floor Assignment Sen Lyson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1184, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1184 was placed on the Fourteenth order on the calendar.