

SUBJECT: Immunity for revealing information in the investigation of identity theft

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 8 ayes — Giddings, Elkins, Bailey, Bohac, Martinez, Taylor, Vo, Zedler
0 nays
1 absent — Solomons

WITNESSES: For — Robert Tony Sanders, for Chief of Police David M. Kunkle, Dallas Police Department
Against — None

BACKGROUND: Under Penal Code, sec. 32.51, it is a state jail felony to obtain, possess, transfer, or use identifying information of another person – including that person’s name, social security number, date of birth, or fingerprints – without the other person’s permission with intent to harm or defraud another person.

DIGEST: CSHB 1379 would make a statement or writing inadmissible in a civil case to prove the liability of a seller, or the seller's employee or agent, if the statement were made by the seller, employee, or agent to law enforcement personnel in connection with an investigation of an alleged violation of fraudulent use or possession of identifying information committed by someone other than the seller, employee, or agent.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005, and would apply to the admissibility of information in a proceeding that began on or after that date.

SUPPORTERS SAY: In recent years, police have encountered resistance from businesses to disclosing information that would help in the investigation of identity theft. These businesses avoid cooperating because they fear that revealing information about an alleged offender might expose them to liability.

CSHB 1379 in effect would provide immunity to a seller of goods or services for providing information to the police in such an investigation.

OPPONENTS
SAY:

If a business believed that it would be immune from civil suit for providing personal information to the police in an investigation of identity theft, then it might be less cautious in giving out such information to others or to the police when they were not investigating such allegations. Protecting the private information of consumers is of paramount importance, and the bill inadvertently could result in less protection for such information.

NOTES:

The committee substitute made no substantive changes to the bill as introduced.