

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-3433/2	Introduction Number SB-581
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Description
 Mail theft, penalty enhancers for identity theft crimes against certain persons, protection of social security numbers of employees, prohibiting discrimination against an individual who refuses to disclose the individual's social security number, prohibiting social security numbers as identifying numbers on driver's licenses and identification cards, allowing individuals to restrict release of credit reports, and providing penalties

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By CTS/ Nancy Rottier (608) 267-9733	Authorized Signature Nancy Rottier (608) 267-9733	Date 2/14/2006
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Fiscal Estimate Narratives

CTS 2/14/2006

LRB Number	05-3433/2	Introduction Number	SB-581	Estimate Type	Original
Description Mail theft, penalty enhancers for identity theft crimes against certain persons, protection of social security numbers of employees, prohibiting discrimination against an individual who refuses to disclose the individual's social security number, prohibiting social security numbers as identifying numbers on driver's licenses and identification cards, allowing individuals to restrict release of credit reports, and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

This bill makes a number of changes relating to mail theft, credit reports and privacy issues involving the use of Social Security numbers.

Under this bill, the definition of mail theft is expanded to widen the range of prohibited actions. In addition, this bill specifies that mail theft cases may be tried in the county in which the victim resided at the time of the offense, or, if the victim was a business or other entity, in the county where its place of business was located. Mail theft cases could also be tried in the place where the crime was committed, as required by current law.

Theft and use of personal identifying information without authorization for certain purposes, i.e. identity theft, is currently a felony. This bill increases the maximum fine prescribed by law for the crime by \$5,000 and the maximum term of imprisonment prescribed by law for the crime by 5 years. The bill requires the court to direct that the trier of fact find a special verdict as to all of the specific issues involved in the crime.

The bill also creates a private cause of action – a civil action – for any person who is damaged as the result of identity theft. The bill allows for injunctive relief and recovery of the person's damages or \$10,000 for each violation, whichever is greater. The person may also be awarded reasonable attorney fees and costs of the investigation and litigation, if he or she prevails in the litigation.

It is unknown how many criminal or civil cases will be subject to the terms of this bill. Additional proceedings require additional judge, court reporter, court staff and juror time. Felony proceedings generally require additional court appearances and more court hearings than misdemeanors. These costs are borne by both the state and the county. An accurate estimate of the additional costs is impossible with the data available.

Long-Range Fiscal Implications