

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr., George N. Peterson, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to preventing pretexting in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1521 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PREVENTING PRETEXTING IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 37E of chapter 266 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking subsections (d) and (e) and inserting in place
3 thereof the following : --
- 4 (d) Whoever, with intent to defraud, provides false or misleading identification to a person for
5 the purpose of gaining access to any personal identifying information of that person, shall be
6 guilty of identity fraud and shall be punished by a fine of not more than \$5,000 or imprisonment
7 in a house of correction for not more than two and one-half years, or by both such fine and
8 imprisonment.
- 9 (e) Whoever, with intent to defraud, uses any personal identifying information of another person
10 outside the scope of its original authorized use for the purpose of gaining access to any record of
11 the actions taken, communications made or received, or other activities or transactions of that

12 person, shall be guilty of identity fraud and shall be punished by a fine of not more than \$5,000
13 or imprisonment in a house of correction for not more than two and one-half years, or by both
14 such fine and imprisonment.

15 (f) A person found guilty of violating any provisions of this section shall, in addition to any other
16 punishment, be ordered to make restitution for financial loss sustained by a victim as a result of
17 such violation. Financial loss may include any costs incurred by such victim in correcting the
18 credit history of such victim or any costs incurred in connection with any civil or administrative
19 proceeding to satisfy any debt or other obligation of such victim, including lost wages and
20 attorney's fees.

21 (g) A law enforcement officer may arrest without warrant any person he has probable cause to
22 believe has committed the offense of identity fraud as defined in this section.