EXHIBIT 7
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HB HB732

February 18, 2005

To: House Federal Relations, Energy, and Telecommunications Committee
From: Kelsen Young, PO Box 15, Helena, MT 59624
Re: HB 732 – Stop Identity Theft

Honorable Committee Members:

Good afternoon. My name is Kelsen Young and I speak before you today as a citizen of the State of Montana and a resident of the city of Helena. I was born and raised in Montana and spent several years after college living in Washington State. I am here today to support HB 732 sponsored by Representative Roberts and to tell you my personal story of being an identity theft victim.

First, let me take you back to September of 2003. I had decided to move back home to Montana to be closer to family who were in need and to prepare myself to go to law school. I had been living and working as a young, single professional in Olympia, Washington for the last two years. On Thursday, Sept. 25th I packed up ALL of my personal and household belongings into a Uhaul truck preparing to head out on the road to Montana.

After a long day of packing, I decided to stop at a hotel in a suburb of Seattle before heading out the next morning. I parked the Uhaul in the hotel parking lot. In the morning, I awoke at 7am, got out of bed, and looked out the window. To my disbelief and true horror, the Uhaul was no longer in the parking lot where I had left it the night before.

All I can tell you, is that the next few hours are a blur. Turns out, the entire Uhaul truck had been stolen in the dark of night. Two days later, it was found abandoned in a parking lot a few miles from the hotel. Police called me and I was forced to recover the truck. I showed up on the scene to find that the truck had been completely emptied. Every last belonging I had was gone. They even stole my four plants sitting in the front seat. Despite this tremendous loss, I headed home to Montana that same day with the help of family.

Looking back on this horrific ordeal, I can tell you that the weeks and months after this crime were far worse than this event. See, the thing that I regret the most after replaying this scenario in my head millions of times, is that amongst all my other belongings that were stolen, there was also a filing cabinet FULL of personal information. Immediately after the truck was stolen, I had contacted my bank and credit cards and asked them to cancel all accounts (which by the way left me with no access to money for the next week). By doing this I felt I had done what was needed to protect myself --- unfortunately this did not end up being the case.

By Monday, I was back in Montana and was scheduled to start a new job the next day. Keep in mind; I had spent the last few days just trying to get the essentials like personal

have been a victim of identity theft. The unfortunate part of my situation is that jurisdiction is a huge issue and the fact that I am now a Montana resident, yet the crime happened in Washington, is something I have yet to be able to figure out.

Washington State supposedly has the toughest laws in the country in regards to identity theft. Their statutes say that venue for prosecution of the crime is determined by where the victim lives or where the crime took place. Unfortunately, this is not what I was told at the time of the event. I was told I had to file a police report in each location that a fraudulent check was written. For me this would have been up and down the Western coast. I was receiving bad checks that had been written in cities all over California, Oregon, and Washington. (A side note is that all of the bad checks I have received were written to drug stores like Walgreen's so you can make your own conclusion on that one.) I ended up making numerous additions to my original police report in Washington and also tried to file a police report here in Helena. The Helena police officer told me that he could not file a report and that I would have to deal with it in Washington.

Nothing was ever done in Washington to investigate my case. One of the things that hurt the most was that if it had ever been properly investigated, I may have found some of my belongings, or at the very least had some amount of justice for both crimes. I can't begin to explain what it feels like to know that an actual person (or group of people) had done this to me purposefully and knowingly. They stole my belongings and did God knows what with them; they then proceeded over the next weeks and months to destroy my credit. And even to this day, although I have not received any recent fraudulent checks, I have no way of knowing what they are doing with my identity.

I appreciate the Committee allowing me to tell my story. I know this is a very busy time for all of you. It was important for me to do so in order to give purpose to my testimony on this particular bill. I want to thank Representative Roberts for sponsoring this legislation. I believe that it does a few very important things.

I especially want to highlight Section 1 of the bill that amends 31-3-115. By adding the language, "A consumer reporting agency must block or expunge information on a report that results from a theft of identity", this could greatly impact my current situation. My understanding is that state law for where I currently reside will dictate how the credit reporting agencies have to deal with my situation. This change hopefully will allow me to insist that they remove the fraudulent information from my report. Although, I'm a little concerned that it will not because it is a past situation.

The rest of HB 732 will not affect my current situation, although it does help to prevent others from experiencing identity theft crime and lessens the chances it will happen to me again in the future.

One of the major reasons I come before you today, is to urge you to take identity theft more seriously in Montana and to encourage members of the MT Legislature to bring forth additional legislation in the future that will more adequately address identity theft in Montana and provide for increased protection for people who have already experienced

care items, shoes, clothes, etc. I contacted my bank on Monday morning to make sure everything was okay with my accounts. I discovered that the criminals who had stolen my belongings had also racked up over $2,000 in withdrawals and purchases on my bank account after only 3 days. I spent many hours in the weeks ahead in the bank trying to dispute and prove that I had not done any of this fraudulent activity.

Also within the next few weeks, I started receiving calls from the bank regarding fraudulent checks that were being written on my old account. Luckily by then, they were returning the checks unpaid. Soon after, I started receiving notices from my credit card companies that fraudulent Access checks were being written on my canceled credit card accounts. Again, the companies were sending them back as unpaid. As much as this was helpful that the bank and credit card companies had finally recognized that these were fraudulent charges and were returning them (which means they weren't going on my account), all of the checks were being returned to the evil that I have come to know as Collection Agencies.

For EVERY fraudulent check written, a collection account is created. They send you these terrible, bold-faced letters threatening legal action if you don't pay. They give you misinformation about how to dispute the charge, they tell you to call numbers that don't exist, or that do exist but are a looped voice mail over and over again. For every fraudulent check, I have had to send letters to collection companies disputing the charge, prove that I am the victim of identity theft, and demanding that they stop contacting me. Well, they do stop contacting you eventually. But what appears to be a resolution, I have found is not. Because they still maintain the collection account charge, they send it to the three credit reporting agencies, and then once again you have to dispute every single check with each of the three credit reporting agencies.

When a dispute is made with a credit reporting agency they try and verify the information, which I'm assuming means they contact the collection agent and make sure it's an actual collection account (although they do not actually tell us how they verify the information). Recently, I have been in the process of trying to dispute all of these fraudulent charges from the last year with the three credit reporting agencies, and most all of them have come back "verified", which means they are not being removed from my credit report. So my question is, where do I go from here??

As you can imagine, the picture I have painted in my testimony here is just the highlights of the story. The countless number of hours I have spent dealing with this situation, the emotional toll it has taken on me and my family, and the fact that it is all tied to a major loss of my belongings and a serious victimization has made it at times an unbearable situation. A year and half later, I am still dealing with this problem on a regular basis. And did I mention that along the way, I have had NO JUSTICE??

The only thing I have to prove that any of this happened to me is a measly police report. Nothing was ever done to find the perpetrator who stole my stuff, little was ever done to investigate the identity theft, and yet I still have to defend myself over and over again that I am not a criminal. I followed all of the instructions available for what to do when you

identity theft. I have several suggestions for changes that need to be made to the criminal statute 45-6-332. At this point it is a very basic protection from identity theft but does not deal with many of the issues I face such as jurisdiction and the rights and remedies for victims.

I would be happy to work with any of you in the future on legislation that would address these issues. I am also more than willing to answer any questions from the Committee today. Please remember my story when you are deliberating on this bill and recognize the seriousness of this crime. Again, I appreciate the opportunity to testify and I urge you to support HB 732. Thank you.