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As of: April 1, 2005 (8:46am)

LC5500

**** Joint Resolution No. ****

BUSINESS & LABOR

Introduced By *****

EXHIBIT NO. 10
DATE 4/1/05
BILL NO. NA

By Request of the *****

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting the legislative council to designate an appropriate interim committee or direct sufficient staff resources to study issues related to identity theft, including jurisdictional issues regarding federal and multi-state authority, the prosecution of internet crimes, the role of credit reports and credit reporting agencies, the role of education for businesses and consumers, victim restitution, and other issues identified during the study.

WHEREAS, the increasing electronic compilation and linkage of data related to businesses and individuals provides a corresponding increased opportunity for the theft of data that can wreak havoc on business and individual financial dealings; and

WHEREAS, the federal government and state governments seek to maintain a smoothly operating financial system while protecting business and consumer rights to protect against the improper use of their business or personal financial data; and

WHEREAS, disagreement exists regarding ownership of the information compiled on businesses and individuals, which complicates the issues raised over inaccurate or stolen identity data; and

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WHEREAS, the global nature of the Internet and the potential for electronic data to be shared worldwide complicate jurisdictional authority over prosecution of identity theft and restitution for victims; and

WHEREAS, government public documents, trade secrets, and medical records fall under myriad disclosure or privacy laws, which further raises questions of coordination among these laws.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study issues related to identity theft, including the scope of authority for the state to regulate access to credit reports, restrictions on the access to credit reports, and the duties of credit bureaus related to identity theft reports.

BE IT FURTHER RESOLVED, that the study address criteria for destruction of records.

BE IT FURTHER RESOLVED, that the study address victim restitution and what processes might be needed to address cross-jurisdictional disputes.

BE IT FURTHER RESOLVED, that the study propose consumer education and business education measures for protecting personal and business information and what to do if a personal or business identity is stolen.

BE IT FURTHER RESOLVED, that the study address the tools and

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training needed by law enforcement and regulators and propose policies and budgets to address these issues.

BE IT FURTHER RESOLVED, that the study review the various types of government records and the interaction between privacy and the right to know as these concepts affect the protection of identity, trade secrets, medical records, and other information regulated by privacy laws.

BE IT FURTHER RESOLVED, that the study include legislators and interested parties to address these issues and any other issues raised during the study.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2006.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 60th Legislature.

- END -

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