

# HOUSE BILL REPORT

## SSB 6459

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**As Reported By House Committee On:**  
Judiciary

**Title:** An act relating to use of identifying information.

**Brief Description:** Prohibiting the use of identifying information to solicit undesired mail.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Bauer and Rasmussen).

**Brief History:**

**Committee Activity:**

Judiciary: 2/22/00, 2/25/00 [DPA].

**Brief Summary of Substitute Bill**  
**(As Amended by House Committee)**

- Makes it a crime to knowingly use a person's identification to solicit undesired mail with the intent to annoy, harass, intimidate, torment, or embarrass the person.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

**Staff:** Edie Adams (786-7180).

**Background:**

In 1999, the Legislature created the new crime of identity theft. A person commits the crime of identity theft if the person knowingly uses or transmits another person's means of identification with the intent either to commit or aid any unlawful activity

that harms or is intended to harm the person whose identity is used, or to commit any felony. Identity theft is a class C felony.

"Means of identification" means any information, not describing finances or credit, that is personal to or identifiable with an individual. Examples of information that constitute "means of identification" include: current or former name; telephone number; electronic address or identifier; Social Security number; driver's license number; tax identification number; and biometric data.

The statute provides that a person who commits identity theft is liable for the greater of \$500 or actual damages, including costs to repair the person's credit record, and for attorney fees.

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**Summary of Amended Bill:**

A crime is created and added to the identity theft statute. A person commits a misdemeanor offense if the person knowingly uses a means of identification of another person to solicit undesired mail with the intent to annoy, harass, intimidate, torment, or embarrass that person. A person who commits this crime is liable for civil damages and reasonable attorney fees, in addition to applicable criminal sanctions.

**Amended Bill Compared to Substitute Bill:** In the substitute bill, the offense of using a means of identification to solicit undesired mail was included as a way of committing the crime of identity theft, and was thus a class C felony. The substitute bill amended the identity theft statute to specify that damages that are available against a person who commits the crime of identity theft are civil damages.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 23, 2000.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** There is currently no crime to cover the situation where a person uses another person's identification to solicit undesired mail, goods, and packages. This is not just a hassle of having to return merchandise and try to get off of mailing lists. It can ruin a person's credit record. A civil action is ineffective to stop this once it has started.

**Testimony Against:** None.

**Testified:** (In support) Matt Prince, YMCA Youth Legislature; and Marcine Miller-Miles, attorney.