

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 159) of Thomas F Reilly, Attorney General of the Commonwealth, Harriette L. Chandler, Cheryl A. Jacques, Dianne Wilkerson and other members of the General Court for legislation to protect charities and other organizations from identity theft. Criminal Justice.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT TO PROTECT CHARITIES AND OTHER ORGANIZATIONS FROM IDENTITY THEFT.

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,
2 as appearing in the 1997 Official Edition, is hereby amended in
3 subsection (a) within the definition of "Personal identifying infor-
4 mation" by striking out the words "an individual" and inserting in
5 place thereof the words:— "a person or persons".

1 SECTION 2. Section 37E of chapter 266 of the General Laws is
2 hereby amended in subsection (a) by inserting after the definition
3 of "Personal identifying information" the following new defini-
4 tion: "Person", includes any individual or organization."

1 SECTION 3. Section 37E of chapter 266 of the General Laws is
2 hereby amended in subsection (a) within the definition of
3 "Victim" by striking the words "any entity that" and inserting in
4 place thereof the words:— "who has otherwise".

1 SECTION 4. Section 37E of chapter 266 of the General Laws is
2 hereby amended in subsection (b) by striking the words "shall be
3 punished by a fine of not more than \$5,000 or imprisonment in a
4 house of correction for not more than two and one-half years, or
5 by both such fine and imprisonment" and inserting in place

6 thereof the words “shall be punished for an initial offense by a
7 fine of not more than \$5,000 or imprisonment in a house of cor-
8 rection for not more than two and one-half years, or both such fine
9 and imprisonment; for a second and subsequent offense be pun-
10 ished by a fine of not more than \$25,000 or imprisonment in the
11 state prison for not more than five years or a house of correction
12 for not more than two and one-half years, or both such fine and
13 imprisonment.”

1 SECTION 5. Section 37E of chapter 266 of the General Laws is
2 hereby amended in subsection (c) by striking the words “shall be
3 punished by a fine of not more than \$5,000 or imprisonment in a
4 house of correction for not more than two and one-half years, or
5 by both such fine and imprisonment” and inserting in place
6 thereof the words “shall be punished for an initial offense by a
7 fine of not more than \$5,000 or imprisonment in a house of cor-
8 rection for not more than two and one-half years, or both such fine
9 and imprisonment; for a second and subsequent offense be pun-
10 ished by a fine of not more than \$25,000 or imprisonment in the
11 state prison for not more than five years or a house of correction
12 for not more than two and one-half years, or both such fine and
13 imprisonment.”

1 SECTION 6. Section 37E of chapter 266 of the General Laws is
2 hereby amended by inserting after subsection (c) the following
3 new subsection:— “(d) Whoever, with intent to defraud, poses as
4 an employee, agent, or representative of, or as someone working
5 for the benefit of, another person, without the express authoriza-
6 tion of that person, and acts in that capacity for the purpose of
7 obtaining anything of value for himself or another, or to injure,
8 defraud or harass another, shall be guilty of the crime of identity
9 fraud and “shall be punished for an initial offense by a fine of not
10 more than \$5,000 or imprisonment in a house of correction for not
11 more than two and one-half years, or both such fine and imprison-
12 ment; for a second and subsequent offense be punished by a fine
13 of not more than \$25,000 or imprisonment in the state prison for
14 not more than five years or a house of correction for not more
15 than two and one-half years, or both such fine and imprisonment.”

1 SECTION 7. Section 37E of chapter 266 of the General Laws is
2 hereby amended by striking the current subsection heading “(d)”
3 and inserting in place thereof the new subsection heading:— “(e)”
4 and by striking the current subsection heading “(e)” and inserting
5 in place thereof the new subsection heading:— “(f)”.

