
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Crowe (SB 506)

Present law provides relative to identity theft.

Proposed law provides that in order to protect the public from identity theft, personally identifiable information submitted to or obtained by any state executive branch department, office, agency, or other entity, or any official or employee thereof, or submitted to or obtained by any political subdivision, or any official or employee thereof, shall be made secure.

Proposed law provides that any personally identifiable information submitted to or obtained by any employee, officer, department, office, agency, or other instrumentality of the executive branch or to any political subdivision shall not be shared with any other department, office, agency, or other instrumentality of the executive branch, or with any political subdivision, or with the federal government, or with any other state government, or with any group of state governments, or with any other person without the express written permission of the person whose information was obtained or without an order of a court of competent jurisdiction directing such sharing.

Proposed law provides definitions as follows: (1) "Executive branch" means executive branch as provided for in Article IV of the La. Constitution. (2) "Law enforcement personnel" means any full-time or part-time personnel employed by a bona fide police agency of the state or political subdivision. (3) "Personally identifiable information" means information that can be used to distinguish a person's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific person. (4) "Political subdivision" means any political subdivision as provided for in Article VI of the La. Constitution and as defined in Article VI, Section 44.

Proposed law provides that the provisions of proposed law shall not prohibit the sharing of personally identifiable information between law enforcement personnel for a legitimate law enforcement purpose.

Proposed law provides that the provisions of proposed law shall not prohibit the sharing of personally identifiable information between law enforcement personnel when related to a felony or misdemeanor conviction or to an outstanding warrant or order of a court of competent jurisdiction directing such sharing.

Proposed law provides that the provisions of proposed law shall not prohibit the sharing of personally identifiable information by any law enforcement personnel with the Board of Pardon or the committee on parole.

Present law provides for the right to privacy and that every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. Present law provides that no warrant shall issue without probable cause supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search.

Proposed law retains present law but also provides that should any personally identifiable information be obtained in violation of present law by any person, employee or official of the executive branch, the judicial branch, the legislature, or by any political subdivision, the illegally obtained personally identifiable information shall be destroyed voluntarily by the recipient or upon the order of a court of competent jurisdiction.

Present law provides that, effective January 1, 2004, each creditor, potential creditor, credit reporting agency, or other entity which violates the provisions of present law shall be liable to the victim of an identity theft for all of the documented out-of-pocket expenses caused by such creditor, potential creditor, credit reporting agency, or other entity and suffered by the victim as a result of the identity theft, plus reasonable attorney fees.

Proposed law retains present law but also provides that damages may also be awarded where a person is harmed by the distribution of the person's personally identifiable information.

Effective August 1, 2014.

(Amends R.S. 9:3568(D); adds R.S. 9:3568(E))