

No. 2009-42

AN ACT

HB 222

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for restitution for identity theft; and making a related repeal.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 1107.1. Restitution for identity theft.

(a) General rule.—The court shall, in addition to any other restitution sentence or order authorized by law, sentence a person convicted of a violation of section 4106 (relating to access device fraud) or 4120 (relating to identity theft) to make restitution for all reasonable expenses incurred by the victim or on the victim's behalf:

(1) to investigate theft of the victim's identity;

(2) to bring or defend civil or criminal actions related to theft of the victim's identity; or

(3) to take other efforts to correct the victim's credit record or negative credit reports related to theft of the victim's identity.

(b) Types of expenses.—The types of expenses recoverable under this section include, but are not limited to:

(1) fees for professional services by attorneys or accountants;

(2) fees and costs imposed by credit bureaus, associated with efforts to correct the victim's credit record, incurred in private investigations or associated with contesting unwarranted debt collections; and

(3) court costs and filing fees.

Section 2. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of 18 Pa.C.S. § 1107.1.

(2) The provisions of 42 Pa.C.S. § 9720.1 are repealed.

Section 3. This act shall take effect in 60 days.

APPROVED—The 18th day of September, A.D. 2009.

EDWARD G. RENDELL