

House Watch

A summary of today's House actions;
published daily when the House is in session.



9/9/09

MESSAGES FROM THE SENATE

[HB 4199](#)

(Lahti)

The bill would prohibit the placement of a boat, boating equipment, or boat trailer in Michigan waters with an aquatic plant attached, and require the owner of a public boating access site to post a notice of the prohibition. It would also prescribe a civil fine for a violation of the aquatic plant prohibition and the notice requirement. Under the bill, a person could not place a boat, boating equipment, or boat trailer in the waters of this State if it had an aquatic plant attached. A law enforcement officer could order the owner or operator of the boat, equipment, or trailer to remove aquatic plants. The owner or operator would have to obey the order. A person who violated these provisions would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$100.

- The House concurred with the Senate substitute S-2 [RC 406: 85 yes, 22 no]

FINAL PASSAGE

[HB 4325](#)

(Spade)

Bill 4325 would allow forfeiture of property associated with a violation of the Identity Theft Protection Act, establish forfeiture procedures, and require annual reports regarding forfeiture activities to be sent to the attorney general and legislature.

- Spade-1 adopted
- Spade-2 adopted
- HB 4325 advanced to 3rd Reading
- HB 4325 was passed [RC 407: 104 yes, 3 no]
- IE was ordered

HB 4326**(Gonzales)**

House Bill 4326 would amend the definition of racketeering so as to include felony violations of the Identity Theft Protection Act and violations of Section 145d of the Michigan Penal Code, which pertains to certain violations involving the Internet or a computer.

- Committee amendment not adopted
- Gonzales substitute H-2 adopted
- HB 4326 advanced to 3rd Reading
- HB 4326 was passed [RC 408: 105 yes, 2 no]
- IE was ordered

HB 4730**(Bolger)**

House Bill 4730 would amend the William Van Regenmorter Crime Victim Rights Act. The bill would include a reference to Sections 11 and 13 of the Identity Theft Protection Act in a provision pertaining to the right of victims of ID theft to file a police report and obtain a copy of that report.

- Meadows-1 adopted
- HB 4730 advanced to 3rd Reading
- HB 4730 was passed [RC 412: 107 yes, 0 no]
- IE was ordered

HB 4731**(Corriveau)**

House Bill 4731 would amend the Identity Theft and Protection Act to make it an offense to use or attempt to use the personal identifying information of another person to engage in criminal activity or other violations of law or to mislead a law enforcement agency or court concerning the identity of an individual under criminal investigation or a criminal defendant.

- Meadows-1 adopted
- HB 4731 advanced to 3rd Reading
- HB 4731 was passed [RC 409: 107 yes, 0 no]
- IE was ordered

HB 4732**(Valentine)**

House Bill 4732 would add Section 12c to the Identity Theft and Protection Act to require, within 30 days after the bill's effective date, each "qualified person" (certain financial institutions) to establish a written identity theft prevention program.

- Meadows-1 adopted
- HB 4732 advanced to 3rd Reading
- HB 4732 was passed [RC 410: 98 yes, 9 no]
- IE was ordered

HB 4733**(Johnson)**

House Bill 4733 would add Section 12d to the Identity Theft and Protection Act to specify that a person who knowingly violated Section 12c regarding the written identity theft prevention program could be ordered to pay a civil fine of not more than \$10,000 for each violation. The attorney general or a prosecuting attorney could bring an action to recover a civil fine under this provision. The provision would not affect the availability of any civil remedy for a violation of state or federal law

- Meadows-1 adopted
- HB 4733 advanced to 3rd Reading
- HB 4733 was passed [RC 411: 68 yes, 39 no]
- IE was ordered

HB 4734**(Dean)**

House Bill 4734 would amend provisions of the Identity Theft Protection Act (MCL 445.72a) regarding the destruction of data in a database that includes personal information on multiple individuals. Currently, data containing personal identifying information on an individual is to be destroyed when that data is removed from the database and the person or agency is not retaining the data elsewhere for another purpose. The bill would revise the provision to instead specify that a person or agency that disposed of any data from a database that included any unencrypted, unredacted personal information concerning an individual who was a resident of the state would have to destroy that data when it was removed from the database, unless the person or agency was retaining the data elsewhere for another lawful purpose. Further, the definition of "destroy" would be revised to mean to destroy or arrange for the destruction of data by shredding, erasing, incinerating, mutilating, or otherwise changing the data so that they cannot be read, deciphered, or reconstructed through generally available means. (Underlining denotes new language.)

- Meadows-1 adopted
- HB 4734 advanced to 3rd Reading
- HB 4734 was passed [RC 413: 108 yes, 0 no]
- IE was ordered

HB 4735**(Jackson)**

House Bill 4735 would add Section 11a to the Identity Theft Protection Act to allow a victim of identity theft to file a civil action for damages against a person who violated prohibitions contained in Sections 5 and 6 of the act (i.e., intentionally using the personal information of another to obtain credit, goods, services, or money) and recover all of the following: actual damages, reasonable attorney fees, and court costs; reimbursement for notifying third parties of the identity theft, reporting identity theft to law enforcement, and correcting personal identifying information or providing other information to third parties required because of the identity theft; and restitution, in an amount that compensates the victim in full for the work done by the victim or the victim's attorney, or both, to correct financial records and vital records and to ameliorate

the effects of the identity theft on the victim's financial affairs, including credit history, credit rating, or credit score.

- Meadows-1 adopted
- HB 4735 advanced to 3rd Reading
- HB 4735 was passed [RC 414: 78 yes, 30 no]
- IE was ordered

HB 4736 (Stamas)

House Bills 4736-4738 each amends a different act to require courts to order restitution in cases where the victims are victims of identity theft. Restitution would be in an amount that compensates the victim in full for the work done by the victim or the victim's attorney, or both, to correct financial records and vital records and to ameliorate the effects of the identity theft on the victim's financial affairs, including credit history, credit rating, or credit score. House Bill 4736 would amend the Code of Criminal Procedure.

- Committee substitute H-1 adopted
- Meadows 1A adopted
- HB 4736 advanced to 3rd Reading
- HB 4736 was passed [RC 415: 107 yes, 0 no]
- IE was ordered

HB 4737 (Lori)

House Bills 4736-4738 each amends a different act to require courts to order restitution in cases where the victims are victims of identity theft. Restitution would be in an amount that compensates the victim in full for the work done by the victim or the victim's attorney, or both, to correct financial records and vital records and to ameliorate the effects of the identity theft on the victim's financial affairs, including credit history, credit rating, or credit score. House Bill 4737 would amend the William Van Regenmorter Crime Victim Rights Act (MCL 780.754a et al.) and incorporates changes to that act made by Public Act 146 of 2009, enrolled Senate Bill 146.

- Committee substitute H-1 adopted
- Meadows 1A adopted
- HB 4737 advanced to 3rd Reading
- HB 4737 was passed [RC 416: 108 yes, 0 no]
- IE was ordered

HB 4738 (Terry Brown)

House Bills 4736-4738 each amends a different act to require courts to order restitution in cases where the victims are victims of identity theft. Restitution would be in an amount that compensates the victim in full for the work done by the victim or the victim's attorney, or both, to correct financial records and vital records and to ameliorate the effects of the identity theft on

the victim's financial affairs, including credit history, credit rating, or credit score. House Bill 4738 would amend Chapter XIIA of the Probate Code, which deals with juvenile offenses (MCL 712A.30 et al.).

- Meadows-1 adopted
- HB 4738 advanced to 3rd Reading
- HB 4738 was passed [RC 417: 108 yes, 0 no]
- IE was ordered

HB 4729

(Angerer)

House Bill 4729 would add Section 14 to the Identity Theft and Protection Act to establish a nine-member Identity Theft Protection Commission in the Department of Information Technology (DIT).

- Committee substitute H-2 adopted
- Opsommer-1A adopted
- HB 4729 advanced to 3rd Reading
- HB 4729 was passed [RC 103 yes, 5 no]
- IE was ordered