

MISSISSIPPI

IDENTITY THEFT RANKING BY STATE: Rank 32, 57.3 Complaints Per 100,000

Population, 1673 Complaints (2007)

Updated December 21, 2008

Current Laws: A person shall not obtain or attempt to obtain personal identity information of another person with the intent to unlawfully use that information for any of the following purposes without that person's authorization: to obtain financial credit; to purchase or otherwise obtain or lease any real or personal property; to obtain employment; to obtain access to medical records or information contained in medical records; or to commit any illegal act.

Violations are a felony, punishable by two to fifteen years in prison and/or a fine up to \$10,000. However, if the violation involves an amount of less than \$250, it is a misdemeanor, punishable by up to six months in county jail and/or a fine up to \$1000. To determine the amount of the violation, the value of all goods, property, services and other things of value obtained or attempted to be obtained by the use of an individual's identity information shall be aggregated.

Statute: §97-45-19:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/2023c/20270?fn=document-frame.htm&f=templates&2.0#>

Personal identifying information means any of the following information of another person: a Social Security number; driver's license or state identification card number; employment information; information regarding any financial account held by another person, including but not limited to a savings or checking account number, financial transaction device account number, a stock or other security certificate or account number, or any personal information number (PIN) for such an account.

Statute: §97-45-1:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/2023c/2023e?fn=document-frame.htm&f=templates&2.0#>

It is a felony for any person to make or cause to be made any false statement or representation as to his or another person's identity, Social Security account number, credit card number, debit card number or other identifying information for the purpose of fraudulently obtaining or with the intent to obtain goods, services or any thing of value.

This includes:

- Furnishing false information willfully, knowingly and with intent to deceive anyone as to his true identity or the true identity of another person;
- Willfully, knowingly, and with intent to deceive, using a Social Security account number to establish and maintain business or other records;

- With intent to deceive, falsely representing a number to be the Social Security account number assigned to him or another person, when in fact the number is not the Social Security account number assigned to him or such other person; or
- Knowingly altering a Social Security card, buying or selling a Social Security card or counterfeit or altered Social Security card, counterfeiting a Social Security card, or possessing a Social Security card or counterfeit Social Security card with intent to sell or alter it.

Violations are punishable by up to five years in prison and/or a fine up to \$5000. Second or subsequent violations are punishable by up to ten years in prison and/or a fine up to \$10,000.

Statute: §97-19-85:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/1faac/1fb7f?fn=document-frame.htm&f=templates&2.0#>

It is a misdemeanor to make or cause to be made any false statement or representation as to his or another person's identity, Social Security number, or other identifying information to a law enforcement officer in the course of the officer's duties with the intent to mislead the officer.

Violations are punishable by up to one year in prison and/or a fine up to \$5000.

Statute: §97-9-79:

http://michie.com/mississippi/lpext.dll/mscode/1f43e/1f6e2/1f6e4/1f7b0?f=templates&fn=document-frame.htm&2.0#JD_97-9-79

Criminals who use a credit card, bank draft or other identifying information taken from victims by means of a violent crime or burglary can be sentenced to a prison term of five years, in addition to any other penalties related to the crime.

Statute: §99-19-401:

http://michie.com/mississippi/lpext.dll/mscode/20293/206ab/20804/20805?f=templates&fn=document-frame.htm&2.0#JD_99-19-401

Jurisdiction: The jurisdiction for crime of identity theft is any jurisdiction where any element of the offense occurred.

Statute: §97-45-21:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/2023c/20275?fn=document-frame.htm&f=templates&2.0#>

Payment Cards: It is a misdemeanor to take a credit card from the person, possession, custody or control of another without the cardholder's consent, or to receive a credit card with intent to use, transfer, or sell it, knowing that the credit card was taken illegally. It is also a misdemeanor for a person other than the issuer to sell a credit card or to buy a credit card from a person other than the issuer.

Statute: §97-19-13:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/1faac/1fac8?fn=document-frame.htm&f=templates&2.0#>

It is unlawful for any person to knowingly obtain or attempt to obtain credit, or to purchase or attempt to purchase any goods, property or service, by the use of any false, fictitious, counterfeit,

revoked, or expired credit number or other credit device. Violations are a misdemeanor, punishable by a fine of \$50 to \$500 and/or imprisonment up to one year.

Statute: §97-19-31:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/1faac/1faf5?fn=document-frame.htm&f=templates&2.0#>

It is a misdemeanor to make or cause to be made either directly or indirectly any false statement in writing that it be relied upon with respect to his identity or that of any other person, firm or corporation, for the purpose of procuring the issuance of a credit card.

Statute: §97-19-11:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/1faac/1fac3?fn=document-frame.htm&f=templates&2.0#>

Scanning Devices: State law prohibits the use of a scanning device or reencoder that is used to obtain or record encoded information from the magnetic strip of a payment card without permission of the cardholder to defraud the authorized cardholder, the issuer of the card, or a merchant. Scanning devices are defined as a scanner, reader, or other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a credit card. A reencoder is an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different card. Violations are a felony, punishable by up to five years in prison and/or a fine up to \$10,000.

Statute: §97-45-31:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/2023c/2028e?fn=document-frame.htm&f=templates&2.0#>

Victim Assistance:

Restitution: In addition to any other fines or imprisonment, people convicted of fraudulent use of identity or identity theft are required to pay restitution to the victim.

Statute: §97-45-19:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/2023c/20270?fn=document-frame.htm&f=templates&2.0#>

In addition, they must be assessed double the reasonable costs that are expended by the Office of Attorney General, district attorney's office, sheriff's office or police department involved in the investigation of the case, including, but not limited to, the cost of investigators, software and equipment utilized in the investigation, together with costs associated with process service, court reporters and expert witnesses.

Statute: §97-45-25:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/2023c/2027f?fn=document-frame.htm&f=templates&2.0#>

Criminal Identity Theft: A person whose name or other identification has been used without his consent or authorization by another person, with the use resulting in charges, an arrest record, or a conviction on the record of the person whose name or other identification was appropriated,

may file a petition for expunction of the charges or arrest record or conviction with any court that has jurisdiction over the matter.

Statute: §97-45-27:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/2023c/20284?fn=document-frame.htm&f=templates&2.0#>

Identity Theft Passport: Victims of identity theft may apply for an identity theft passport, which can be presented to law enforcement to help prevent arrest or detention for an offense committed by another person. Any person who has petitioned the court to expunge any charges, arrest record, or conviction falsely entered against the person as a result of the appropriation of his name or other identifying information may submit the court order to the Attorney General, who can issue an identity theft passport verifying that such order has been entered. A passport may also be issued to any person who has filed a police report alleging that the person's name or other identification has been used without the person's consent or authorization by another person.

Statute: §97-45-29:

<http://michie.com/mississippi/lpext.dll/mscode/1f43e/2023c/20289?fn=document-frame.htm&f=templates&2.0#>

Credit Freeze: A victim of identity theft may place a security freeze on his or her credit report by requesting one from the credit reporting agencies by certified mail. Victims must provide a police report, investigative report, or complaint filed with a law enforcement agency. A security freeze prohibits, with certain specific exceptions, the credit reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer. The credit reporting agency may charge up to \$10 to place a security freeze.

The consumer reporting agency must place the freeze within five business days of receiving the request. Within ten business days after receiving the request, the consumer reporting agency must send a written confirmation of the freeze to the consumer, along with a unique password or personal identification number that can be used to temporarily lift the freeze. A request for a temporary lifting of the freeze must be completed within three business days, and no fees may be charged for this action.

Statute: §75-24-201 through 217 (must scroll through relevant sections)

http://michie.com/mississippi/lpext.dll/mscode/171fa/180aa/18176/18177?f=templates&fn=document-frame.htm&2.0#JD_75-24-201

How to Place a Security Freeze in Mississippi:

www.consumersunion.org/pdf/security/securityMS.pdf

State Resources:

Office of the Attorney General, "Identity Theft"

(http://www.ago.state.ms.us/index.php/sections/consumer/identity_theft)

"How Do Identity Thieves Obtain Your Information and What Do They Do With It?"

http://www.ago.state.ms.us/index.php/sections/consumer/how_do_identity_thieves_obtain_your_information_and_what_do_they_do_with_it

“Identity Theft Prevention”

http://www.ago.state.ms.us/index.php/sections/consumer/identity_theft_prevention

“Think You Have Been a Victim of Identity Theft?”

http://www.ago.state.ms.us/index.php/sections/consumer/think_you_have_been_a_victim_of_identity_theft

This document directs victims to: *“Contact your local police department and file a report of the theft. Obtain a copy of the report for your records and to assist in clearing your name.”*

“Identity Theft: What to Do When There’s More Than One of You”

<http://www.ago.state.ms.us/images/uploads/forms/IdTheftBook.pdf>

This comprehensive document directs victims to: *“First, contact the appropriate police and sheriff departments in the vicinity where you believe the theft occurred. Give as much documented evidence as possible and get a copy of the completed police report. Keep the report and the number of your fraud investigator handy for creditors and others who require verification of your case. Additionally, banks and credit card companies may require you to supply a copy of the police report to verify the crime. If you need assistance in obtaining the telephone number and address of your local sheriff or police, the Attorney General’s Office can assist you. For thefts that occurred outside of Mississippi, your local sheriff, police, or the Attorney General’s Office may be able to help you locate the number and address of counterparts in other states.”*

The appendix of this document includes several useful sample letters and forms, including a dispute letter to a credit bureau and one for existing credit accounts, and the ID Theft Affidavit.

Legislation:

2008:

SB 2712 creates longer sentences for criminals who use a credit card, bank draft or other identifying information taken from victims by means of a violent crime or burglary. Under the new law, offenders can be sentenced to a prison term of five years, in addition to any other penalties related to the crime.

2007:

Under **HB 3034**, victims of identity theft will have the right to put a security freeze on their credit files to prevent identity thieves from opening new credit accounts in their names. A security freeze enables a consumer to prevent anyone from looking at his or her own credit reporting file for purposes of granting credit unless the consumer chooses to let that particular business look at the information. This gives victims control over who has access to their information needed to process a credit application and effectively prevents others from opening new accounts in their name. When the consumer is applying for credit, the security freeze can be lifted temporarily so the application can be processed.

SB 2859 prohibits the use of a scanning device or reencoder to obtain or record encoded information from the magnetic strip of a payment card without permission of the cardholder to defraud the authorized cardholder, the issuer of the card, or a merchant. Scanning devices are defined as a scanner, reader, or other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a credit card. A reencoder is an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different card. Violations are a felony, punishable by up to five years in prison and/or a fine up to \$10,000.

2004:

SB 2957 creates a misdemeanor offense of identity theft if the violation involves less than \$250, punishable by up to six months in jail and/or a fine of up to \$1000. The bill also changes the penalty for felony identity theft crimes from five years in prison to between two and fifteen years. It also authorizes the state attorney general's office to assist identity theft victims in clearing their records, and clarifies that perpetrators of identity theft must pay restitution and legal interest to their victims. In addition, it grants subpoena power to the attorney general's office in conducting investigations of identity theft, and allows the office to issue victims "identity theft passports."

2003:

SB 2576 provides that it is a felony for a person to obtain or attempt to obtain personal identity information of another person with the intent to unlawfully use that information for any of the following purposes without that person's authorization: to obtain financial credit; to purchase or otherwise obtain or lease any real or personal property; to obtain employment; to obtain access to medical records or information contained in medical records; or to commit any illegal act. Violations are punishable by up to five years in prison and/or a fine up to \$10,000.