

OFFICE OF DISTRICT ATTORNEY
STEPHEN M. HOWE, DISTRICT ATTORNEY

February 28, 2011

Senate Judiciary Committee
Attention: Tim Owens, Chairman
300 SW 10th St., Room 536N
Topeka, Kansas 66612

Re: House Bill 2008

Dear Chairman Owens,

Thank you for the opportunity to submit our written response in support of HB 2008.

Over the last several years, the Federal Trade Commission has reported that Identity Theft is the fastest growing crime in America. Many of you have probably heard from victims of these crimes and the impact it has had on their lives. It can include obtaining an individual's personal information, which, when compromised, can affect credit scores, the ability to obtain mortgages, car loans, etc. The earned wages by the perpetrator can result in a long and difficult process to convince the IRS that someone else generated this income. It can also cause disruption of unemployment or disability benefits as the government is notified of false earning wages under the victim's name. When the criminal commits crimes under the victim's name, it can result in criminal arrest WARRANTS. This has resulted in the unsuspecting victim being arrested. Collection efforts by the numerous retailers who are trying to collect on the credit accounts opened under victim's name or bad checks passed in victim's name has a collateral effect, which includes impact on job applications when potential employers run credit scores and do criminal history checks.

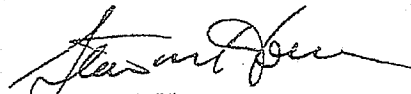
The effects of these crimes can linger for years as the information is passed from perpetrator to perpetrator. The methods used to gain this information are becoming more and more elaborate. Organized groups are the source of many of these acts. The economic impact on individuals and businesses reaches billions of dollars in the U.S. economy.

Under the current statute, career criminals can repeatedly commit these crimes and still obtain probation. They will never exceed a criminal history "E" under the current sentencing guidelines. Furthermore, there are no special rules for repeat offenders such as those that exist in the burglary, theft and forgery statutes. The identity theft statute and the impact of those crimes deserves to be distinguished from those who commit identity fraud.

This change in the identity theft statute would provide prosecutors and victims the opportunity to imprison these repeat offenders who continually victimize Kansans. These career criminals should not be afforded numerous chances at probation. This will give prosecutors the tools needed to protect the public from the fastest growing areas for organized crime.

We would ask this committee to support this bill as drafted. I thank you for your time and would be happy to answer any questions you may have regarding the proposed legislation.

Sincerely,



Stephen M. Howe
Johnson County District Attorney

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