

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 2, 2012  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB12-1101 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, line 4, after "(1.5)" insert "and (1.7)".
- 2 Page 2, line 6, strike "she KNOWINGLY:" and substitute "she:".
- 3 Page 2, after line 6, insert:  
4 "(a) KNOWINGLY:".
- 5 Page 2, line 7, strike "(a)" and substitute "~~(a)~~ (I)".
- 6 Page 2, strike line 11, and substitute "payment;".
- 7 Page 2, line 12, strike "(b)" and substitute "~~(b)~~ (II)".
- 8 Page 2, strike line 17, and substitute "financial payment;".
- 9 Page 2, line 18, strike "(c)" and substitute "~~(c)~~ (III)".
- 10 Page 2, line 21, strike "DEFRAUD, IF THE DEVICE OR INFORMATION IS  
11 THAT" and substitute "DEFRAUD;".
- 12 Page 2, strike line 22.
- 13 Page 2, line 23, strike "(d)" and substitute "~~(d)~~ (IV)".

1 Page 3, strike line 1, and substitute "credit; OR".

2 Page 3, line 2, strike "(e)" and substitute "(~~e~~) (V)".

3 Page 3, line 4, strike "document," and substitute "document;"

4 Page 3, strike line 5, and substitute "~~or~~ AND".

5 Page 3, after line 5, insert:

6 "(b) THE INFORMATION OR DEVICE IS THAT OF ANOTHER."

7 Page 3, strike lines 6 through 10 and substitute:

8 "(1.5) THE ELEMENT SET FORTH IN PARAGRAPH (b) OF SUBSECTION  
9 (1) IS ONE OF STRICT LIABILITY.

10 (1.7) THIS SECTION SHALL NOT APPLY TO USE OR POSSESSION IN  
11 COMPLIANCE WITH OR IN CONNECTION WITH A PURPOSE PERMITTED UNDER  
12 THE FEDERAL "FAIR CREDIT REPORTING ACT", AS AMENDED, 15 U.S.C.  
13 1681 ET SEQ.; THE FEDERAL "FAIR AND ACCURATE CREDIT TRANSACTIONS  
14 ACT OF 2003", 15 U.S.C. 1601; THE FEDERAL "DRIVER'S PRIVACY  
15 PROTECTION ACT OF 1994", 18 U.S.C. 2721, ET SEQ.; THE FEDERAL  
16 "GRAMM-LEACH-BLILEY ACT", 15 U.S.C. 6801; OR THE FEDERAL  
17 "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996",  
18 42 U.S.C. 201."

19 Page 3, line 14, strike "10, 2011, if adjournment sine die is on May 11,  
20 2011);" and substitute "8, 2012, if adjournment sine die is on May 9,  
21 2012);".

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