

NEWS RELEASE

From the Office of the Indiana Attorney General

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Attorney General Greg Zoeller Thanks State Rep. Linda Lawson *New Laws on Identity-Theft, Puppy Mills will Bring Accountability*

MERRILLVILLE – Because of legislation passed in the Indiana General Assembly last week, consumers will have new protections against identity thieves. Meanwhile, state and local authorities will have new tools to enforce animal-cruelty and tax-evasion laws on commercial dog-breeding businesses.

State Rep. Linda Lawson, D-Hammond, was the Indiana House author of both bills: House Enrolled Act 1121, the identity-theft legislation; and House Enrolled Act 1468, the puppy-mill bill.

Indiana Attorney General Greg Zoeller visited Lake County today specifically to thank Rep. Lawson for her role in successfully passing both the puppy-mill bill and the identity-theft bill in the Legislature last week.

“For too long, some unscrupulous dog-breeders have operated under the radar in Indiana, confining dogs in fetid conditions and failing to record or collect sales taxes owed. Such operations are unfair to law-abiding, taxpaying businesses because they undercut their legitimate competition. This new legislation enhances our ability to identify tax-evading dog breeders, and will serve as a deterrent to push the bad actors out of the industry,” Zoeller said.

“Without the hard work and tenacious efforts of Rep. Lawson, these important reforms in animal treatment and identity theft might not have passed. Her insight into the nature of these crime problems and her determination to achieve meaningful reforms have resulted in dual victories for Hoosier consumers,” Zoeller added.

HEA 1468 is aimed at ending animal cruelty in large-scale commercial dog-breeding operations and also enforcing compliance with state sales-tax laws in the brokering and sale of dogs at so-called “puppy mills.” Its provisions include:

– **Registration.** Commercial dog breeders and brokers will have to register annually with the State Board of Animal Health. They will be required to provide information on puppy sales and the amount of sales tax they remit to the state.

- **Enforcement.** The legislation directs the Attorney General’s office to file lawsuits against dog-breeding operations to recover unpaid registration fees, obtain injunctions and seek civil penalties against dog-breeders on behalf of the Board of Animal Health.

– **Animal Cruelty Definitions.** HEA 1468 also enhances animal-neglect and animal-cruelty laws to give prosecutors more tools to address abusive practices. It closes a loophole that had made injuring someone’s pet a crime but was silent on killing the animal without the owner’s permission. The legislation also prohibits wire flooring in cages and requires that confined dogs be allowed out daily for exercise.

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Once HEA 1468 is signed into law, the animal-cruelty provisions take effect July 1, while the registration and enforcement provisions takes effect Jan. 1, 2010.

HEA 1121, the identity-theft legislation that Lawson authored which the attorney general also supported, does the following:

- **Formally establishes by statute the Identity Theft Unit.** A team of attorneys and investigators within the Attorney General's office fields identity-theft complaints and assists victims in correcting their records. To inform the public on how to spot identity theft, minimize the risk of becoming a victim and recover from the crime, the unit also will maintain a consumer-education program.
- Creates recovery tools.** Identity-theft victims often have difficulty establishing new credit or utility service because of the damage to their credit histories. Now Hoosiers will have the ability to go to court and obtain a declaratory judgment, a legal document that says the person was an innocent victim of identity theft, in order to correct their record. HEA 1121 prohibits denying someone credit or utility service solely for being an identity theft victim.
- Enhances personal information security.** Businesses will be required to implement and maintain reasonable security procedures for documents, records and electronic devices containing customers' personal information. Violators who carelessly discard such records without shredding or incinerating them first could face a fine of up to \$5,000.
- Prohibits sloppy or unfair business practices that can lead to ID theft.** Creditors will have to use reasonable procedures to verify the identities of credit applicants.
- Strengthens the penalty for stealing a child' s identity.** A parent who uses their child's personal information to commit identity theft now will face a possible Class C felony charge, punishable by a potential two to eight years in prison.
- Makes synthetic identity deception a crime.** Stealing someone's identity already is illegal, but ID thieves often will create a fictitious identity by combining the details of multiple people into a hybrid, nonexistent person. The bill creates the new crime of "synthetic identity deception," a Class D felony, potentially punishable by up to three years in prison.

Once signed into law, HEA 1121, takes effect July 1.

"These new consumer protections Rep. Lawson championed will help identity-theft victims restore their good names and repair their credit histories. Her tireless advocacy on this bill will enable our office to assist victims in undoing the damage and help other consumers to avoid being victimized," Zoeller added.

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