

August 19, 2005

Hon. Bill Lockyer
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Tricia Knight
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative, which is titled the California Identity Theft and Personal Information Protection Act (File No. SA2005RF0090).

Proposal

This measure increases existing penalties for persons convicted of certain identity theft crimes. Specifically, it increases the length of incarceration as well as the monetary fine that must be paid by persons convicted of identity theft crimes. For example, it includes identity theft among the list of crimes that may be used to establish a pattern of criminal gang activity for which a convicted person may receive a sentence enhancement. Additionally, it establishes sentence enhancements for identity theft crimes committed against multiple victims, minors, and the elderly. Finally, it establishes a “computer forensic analysis” fee of \$250 for persons convicted of certain identity theft crimes, and requires that revenues from this fee be used to support the cost of operations, equipment and staff training of forensic laboratories operated by, or under contract with, state and local governments.

Fiscal Effects

This measure would result in unknown, but potentially significant state prison operating costs by requiring lengthier prison sentences for persons convicted of certain identity theft crimes. There would also be unknown, but probably minor costs to local governments to establish, collect, and administer the computer forensic analysis fee established by the measure. Such state and local costs would potentially be offset to an unknown extent by higher revenue from increased fines as well as the newly established fee. The net fiscal effect on state and local governments is unknown and would depend on a number of factors, including the number of future convictions for

identity theft against children, seniors, dependent adults, or in association with criminal gang activity, and the ability of convicted offenders to pay the increased fines and fees proposed by the measure.

Summary of Fiscal Effects

In summary, the initiative would have the following fiscal effect:

- Unknown net fiscal impact on state and local governments, depending on the number of future convictions for identity theft against children, seniors, dependent adults, or in association with criminal gang activity, and the ability of convicted offenders to pay the increased fines and fees proposed by the measure.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Tom Campbell
Director of Finance