

## Office of the Governor

PO BOX 004  
TRENTON, NJ 08625

### NEWS RELEASE

CONTACT: Jayne O'Connor  
Gene Herman  
609-777-2600

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Gov. Christie Whitman today conditionally vetoed the following piece of legislation:

ACS for A-2414, A-1638 and A-2456, which would have criminalized the obtaining of any personal identifying information pertaining to another person and using that information, or assisting another person in using that information, to pretend to be that person.

Under the bill, personal identifying information includes name, address, telephone number, social security number, place of employment, employee identification number, demand deposit account number, savings account number, credit card number and mother's maiden name. Obtaining and using personal identifying information would be a crime only if it were done without the authorization of the person whose identity was obtained and used with the intent to obtain a benefit.

In her conditional veto, the Governor said she supported the substantive proposals in the bill because she recognized and definitely agreed with, the need to deter and punish those who falsely impersonate another or who use personal identifying information to obtain a pecuniary benefit. Nevertheless, she said, she felt compelled to return the bill with recommendations for reconsideration because she was advised that technical changes were needed to more fully ensure that the bill is applied in accord with the Legislature's intent and so that unintended legal defenses are not available to the people the State rightfully seeks to punish.

The Governor said the recommended changes were not intended to alter the scope or meaning of the bill in any way. Instead, she said, they are designed to clarify some of the language in the bill and eliminate unnecessary and potentially confusing provisions. For example, the Governor said, even though subsection a. of section one sets forth the acts that constitute offenses, the criminalization of those very offenses is repeated in later subsections of the same section. Gov. Whitman said the repetition is not only unnecessary, but confusing, thereby increasing the likelihood of application of the act in a way not intended by the Legislature. She said her concern was that the confusion caused by the drafting of the bill may give rise to significant unanticipated and unwanted challenges when the bill is applied.

The bill was sponsored by Assembly Members Alan M. Augustine (R-Middlesex/Morris/Somerset/Union), Richard A. Merkt (R-Morris), Nellie Pou (D-Passaic), John S. Wisniewski (D-Middlesex) and Neil M. Cohen (D-Union) and Senators John O. Bennett (R-Monmouth) and Norman M. Robertson (R-Essex/Passaic).

