
HOUSE RESOLUTION

REQUESTING THE ATTORNEY GENERAL AND THE IDENTITY THEFT TASK
FORCE TO IDENTIFY WAYS IN WHICH THE PROCESS OF NOTARIZING
DOCUMENTS CAN BE IMPROVED TO REDUCE IDENTITY THEFT.

1 WHEREAS, the Attorney General appoints and commissions
2 notaries public for the State as the Attorney General deems
3 necessary for the public good and convenience; and
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5 WHEREAS, every notary public must keep an engraved seal of
6 office or a rubber stamp facsimile seal that clearly shows, when
7 embossed, stamped, or impressed upon a document, the notary's
8 name and the words, "notary public" and "State of Hawaii"; and
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10 WHEREAS, the notary public must authenticate all the
11 notary's official acts, attestations, certificates, and
12 instruments and always add to an official signature the typed or
13 printed name of the notary and a statement showing the date that
14 the notary's commission expires; and
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16 WHEREAS, each time a notary public notarizes a document the
17 notary public must record the type, date, and time of day of the
18 notarial act, the title or type and date of the document or
19 proceeding, the signature, printed name, and address of each
20 person whose signature is notarized and of each witness, other
21 parties to the instrument, and the manner in which the signer
22 was identified; and
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24 WHEREAS, all copies or certificates granted by the notary
25 must be under the notary's hand and notarial seal and shall be
26 received as evidence of such transactions; and
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28 WHEREAS, notwithstanding the requirements that attend
29 notarization of documents, there is an alarming increase in the
30 alteration of notarized documents for the purpose of identity
31 theft and fraud; and
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1 WHEREAS, other states are trying to counter this trend by
2 adopting additional requirements for authentication of
3 signatures and documents; and
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5 WHEREAS, misrepresentation often takes the form of a scam
6 which may involve naive and trusting senior citizens who are
7 often tricked into signing away property.
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9 WHEREAS, there is ongoing in Hawaii the investigation of a
10 man with a federal criminal record involving bank fraud, bogus
11 names, and false checks who has traveled to the Philippines with
12 at least two business associates who have never been seen alive
13 again, one of whom was later found murdered; and
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15 WHEREAS, the man is now charged in one case with identity
16 theft and other offenses arising from the use of a notarized
17 document relating to the sale of a Land Rover automobile and to
18 transfer land and property owned by the murder victim to the
19 man; and
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21 WHEREAS, a third man who was an associate of the charged
22 man has been missing for sixteen years and his home is now owned
23 and occupied by the charged man's girlfriend; and
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25 WHEREAS, the Attorney General is a member of the identity
26 theft task force established by Act 140, Session Laws of Hawaii
27 2006, which is required, among other things, to identify best
28 practices to reduce identity theft and to report its final
29 findings and recommendations to the Legislature, including any
30 proposed legislation, no later than twenty days prior to the
31 convening of the Regular Session of 2008; now, therefore,
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33 BE IT RESOLVED by the House of Representatives of the
34 Twenty-fourth Legislature of the State of Hawaii, Regular
35 Session of 2007, that the Attorney General and the Identity
36 Theft Task Force are requested to identify ways in which the
37 process of notarizing documents can be improved to reduce
38 identity theft, by requiring the notary's seal to be placed over
39 a succinct phrase identifying the nature of the document and the
40 underlying transaction; and
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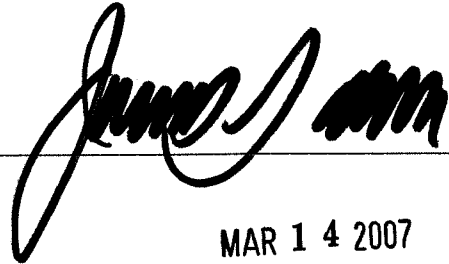
42 BE IT FURTHER RESOLVED that the Attorney General and the
43 Identity Theft Task Force are requested to report findings and
44 recommendations, including any proposed legislation, to the



1 Legislature no later than twenty days prior to the convening of
2 the Regular Session of 2008, provided that the findings and
3 recommendations may be included in the final report of the
4 Identity Theft Task Force to be submitted pursuant to Act 140,
5 Session Laws of Hawaii 2006; and

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7 BE IT FURTHER RESOLVED that certified copies of this
8 Resolution be transmitted to the Attorney General and the Chair
9 of the Identity Theft Task Force.

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12 OFFERED BY: _____



MAR 14 2007

