

HOUSE BILL 1044

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By: **Delegates Lee, Ali, Barkley, Bronrott, DeBoy, Dumais, Dwyer, Glenn, Goldwater, Healey, Heller, Hixson, Hubbard, Impallaria, James, Jones, Kaiser, Kramer, Krebs, Lawton, Levi, Manno, McComas, McDonough, Minnick, Montgomery, Nathan-Pulliam, Pendergrass, Ramirez, Robinson, Schuler, Shank, Shewell, Smigiel, Sophocleus, Stocksdale, F. Turner, Valderrama, Waldstreicher, and Walkup**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Identity Fraud Repeat Offender – Penalty**

3 FOR the purpose of providing an enhanced penalty for a person convicted of the crime
4 of identity fraud who has been convicted of identity fraud on a prior occasion not
5 arising from the same incident; and generally relating to penalties for identity
6 fraud.

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Law
9 Section 8–301(a), (b), (c), and (g)
10 Annotated Code of Maryland
11 (2002 Volume and 2006 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 8–301(d)
15 Annotated Code of Maryland
16 (2002 Volume and 2006 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

1

2 8–301.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) “Payment device number” has the meaning stated in § 8–213 of
5 this title.6 (3) “Personal identifying information” means a name, address,
7 telephone number, driver’s license number, Social Security number, place of
8 employment, employee identification number, mother’s maiden name, bank or other
9 financial institution account number, date of birth, personal identification number,
10 credit card number, or other payment device number.11 (b) A person may not knowingly, willfully, and with fraudulent intent
12 possess, obtain, or help another to possess or obtain any personal identifying
13 information of an individual, without the consent of the individual, in order to use,
14 sell, or transfer the information to get a benefit, credit, good, service, or other thing of
15 value in the name of the individual.

16 (c) A person may not knowingly and willfully assume the identity of another:

17 (1) to avoid identification, apprehension, or prosecution for a crime; or

18 (2) with fraudulent intent to:

19 (i) get a benefit, credit, good, service, or other thing of value; or

20 (ii) avoid the payment of debt or other legal obligation.

21 (d) (1) A person who violates this section where the benefit, credit, good,
22 service, or other thing of value that is the subject of subsection (b) or (c) of this section
23 has a value of \$500 or greater is guilty of a felony and on conviction is subject to
24 imprisonment not exceeding 5 years or a fine not exceeding \$25,000 or both.25 (2) A person who violates this section where the benefit, credit, good,
26 service, or other thing of value that is the subject of subsection (b) or (c) of this section
27 has a value of less than \$500 is guilty of a misdemeanor and on conviction is subject to
28 imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both.

1 (3) A person who violates this section under circumstances that
2 reasonably indicate that the person's intent was to manufacture, distribute, or
3 dispense another individual's personal identifying information without that
4 individual's consent is guilty of a felony and on conviction is subject to imprisonment
5 not exceeding 5 years or a fine not exceeding \$25,000 or both.

6 (4) A person who violates subsection (c)(1) of this section is guilty of a
7 misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or
8 a fine not exceeding \$5,000 or both.

9 (5) When the violation of this section is pursuant to one scheme or
10 continuing course of conduct, whether from the same or several sources, the conduct
11 may be considered as one violation and the value of the benefit, credit, good, service, or
12 other thing of value may be aggregated in determining whether the violation is a
13 felony or misdemeanor.

14 **(6) ON CONVICTION OF A VIOLATION OF THIS SECTION, A PERSON**
15 **WHO HAS BEEN CONVICTED ON A PRIOR OCCASION NOT ARISING FROM THE**
16 **SAME INCIDENT OF A VIOLATION OF THIS SECTION IS SUBJECT TO**
17 **IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$50,000**
18 **OR BOTH.**

19 (g) A sentence under this section may be imposed separate from and
20 consecutive to or concurrent with a sentence for any crime based on the act or acts
21 establishing the violation of this section.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2007.