HOUSE BILL 930

By: Delegates Lee, Arora, Conaway, DeBoy, Dumais, Eckardt, Glenn, Hough, McComas, McDonough, B. Robinson, Stocksdale, Stukes, Tarrant, F. Turner, and Valderrama

Introduced and read first time: February 7, 2013
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2013

CHAPTER _____

AN ACT concerning

Criminal Law – Identity Fraud – Prohibitions

FOR the purpose of prohibiting a person from disclosing or helping another person to disclose an individual’s personal identifying information without the individual’s consent under certain circumstances; prohibiting a person from possessing, obtaining, disclosing, or helping another person to possess, obtain, or disclose certain information under certain circumstances; maliciously using an interactive computer service to disclose or assist another person to disclose certain personal identifying information of an individual, without the consent of the individual, in order to annoy, threaten, embarrass, or harass the individual; providing penalties for disclosing an individual’s personal identifying information without the individual’s consent a violation of this Act; and generally relating to identity fraud.

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 8–301(b) 8–301(a) and (g)
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 8–301(b)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

BY adding
Article – Criminal Law
Section 8–301(b–1)
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

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

Article – Criminal Law

8–301.

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

(2) “INTERACTIVE COMPUTER SERVICE” means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the internet and cellular phones.

(3) “Payment device number” has the meaning stated in § 8–213 of this title.

(4) “Personal identifying information” includes a name, address, telephone number, driver’s license number, Social Security number, place of employment, employee identification number, mother’s maiden name, bank or other financial institution account number, date of birth, personal identification number, credit card number, or other payment device number.

(5) “Re–encoder” means an electronic device that places encoded personal identifying information or a payment device number from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or any electronic medium that allows such a transaction to occur.

(6) “Skimming device” means a scanner, skimmer, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, personal identifying information or a payment device number encoded on the magnetic strip or stripe of a credit card.

(b) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, DISCLOSE, or help another to possess, obtain, or DISCLOSE, or help another to possess, obtain, DISCLOSE, any
personal identifying information of an individual, without the consent of the
individual, in order to

(1) use, sell, or transfer the information to get a benefit, credit, good,
service, or other thing of value in the name of the individual; or

(2) ANNOY, THREATEN, EMBARRASS, OR HARASS THE
INDIVIDUAL.

(B–1) A PERSON MAY NOT MALICIOUSLY USE AN INTERACTIVE
COMPUTER SERVICE TO DISCLOSE OR ASSIST ANOTHER PERSON TO DISCLOSE
THE DRIVER’S LICENSE NUMBER, BANK OR OTHER FINANCIAL INSTITUTION
ACCOUNT NUMBER, CREDIT CARD NUMBER, PAYMENT DEVICE NUMBER, SOCIAL
SECURITY NUMBER, OR EMPLOYEE IDENTIFICATION NUMBER OF AN
INDIVIDUAL, WITHOUT THE CONSENT OF THE INDIVIDUAL, IN ORDER TO ANNOY,
THREATEN, EMBARRASS, OR HARASS THE INDIVIDUAL.

(g) (1) A person who violates this section where the benefit, credit, good,
service, or other thing of value that is the subject of subsection (b)(1), (c), or (d)
of this section has a value of $500 or greater is guilty of a felony and on conviction is
subject to imprisonment not exceeding 15 years or a fine not exceeding $25,000 or
both.

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

(3) A person who violates this section under circumstances that
reasonably indicate that the person’s intent was to manufacture, distribute, or
DISCLOSE another individual’s personal identifying information without
that individual’s consent is guilty of a felony and on conviction is subject to
imprisonment not exceeding 15 years or a fine not exceeding $25,000 or both.

(4) A person who violates subsection (b)(2)(B–1), (c)(1), (e), or (f) of
this section is guilty of a misdemeanor and on conviction is subject to imprisonment
not exceeding 18 months or a fine not exceeding $5,000 or both.

(5) When the violation of this section is pursuant to one scheme or
continuing course of conduct, whether from the same or several sources, the conduct
may be considered as one violation and the value of the benefit, credit, good, service, or
other thing of value may be aggregated in determining whether the violation is a
felony or misdemeanor.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved:

__________________________________  Governor.

__________________________________  Speaker of the House of Delegates.

__________________________________  President of the Senate.