By: Delegates Mitchell, Niemann, Clippinger, Cluster, Conaway, Donoghue, Haynes, Hough, McDermott, B. Robinson, and Valentino-Smith

Introduced and read first time: February 8, 2013

Assigned to: Judiciary

A BILL ENTITLED

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; providing penalties for disclosing an individual’s personal identifying information without the individual’s consent; and generally relating to identity fraud.

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 8–301(b) and (g)
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.

(b) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, DISCLOSE, or help another to possess [or], obtain, OR 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.

(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)] (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)] (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, dispense, 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), (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.