SENATE BILL 388

By: Senators Kelley, Forehand, Getty, Gladden, King, Montgomery, Pugh, Raskin, Shank, and Stone
Introduced and read first time: January 28, 2013
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning
Victims of Crime – Identity Theft Passport – Children

FOR the purpose of requiring the Department of Human Resources to assist a child who has been identified as a victim of identity fraud to apply for an identity theft passport under certain circumstances; requiring the Department of Juvenile Services to assist a child who has been identified as a victim of identity fraud to apply for an identity theft passport under certain circumstances; defining certain terms; and generally relating to identity fraud.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–501(f) through (h)
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–305
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 – Family Law

5–501.
(f) "Foster care" means continuous 24–hour care and supportive services provided for a minor child placed by a child placement agency in an approved family home.

(g) "Group care" means continuous 24–hour care and supportive services provided for a minor child placed in a licensed group facility.

(h) "Kinship care" means continuous 24–hour care and supportive services provided for a minor child placed by a child placement agency in the home of a relative related by blood or marriage within the 5th degree of consanguinity or affinity under the civil law rule.

Article – Criminal Law

8–305.

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

(2) "Foster care" has the meaning stated in § 5–501 of the Family Law Article.

(3) “Group care” has the meaning stated in § 5–501 of the Family Law Article.

(4) “Identity fraud” means a violation of § 8–301 of this subtitle.

(5) “Identity theft passport” means a card or certificate issued by the Attorney General that verifies the identity of the person who is a victim of identity fraud.

(6) “Kinship care” has the meaning stated in § 5–501 of the Family Law Article.

(b) (1) A person who knows or reasonably suspects that the person is a victim of identity fraud and has filed a report under § 8–304 of this subtitle may apply for an identity theft passport through a law enforcement agency.

(2) The Department of Human Resources shall assist a child who has been identified as a victim of identity fraud to apply for an identity theft passport through a law enforcement agency if the child is:

(1) in foster care, group care, or kinship care; and
(II) IN THE CARE AND CUSTODY OF THE DEPARTMENT OF HUMAN RESOURCES.

(3) THE DEPARTMENT OF JUVENILE SERVICES SHALL ASSIST A CHILD WHO HAS BEEN IDENTIFIED AS A VICTIM OF IDENTITY FRAUD TO APPLY FOR AN IDENTITY THEFT PASSPORT THROUGH A LAW ENFORCEMENT AGENCY IF THE CHILD HAS BEEN PLACED IN THE CARE AND CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES.

(c) A law enforcement agency that receives an application for an identity theft passport shall submit the application and a copy of the report filed under § 8–304 of this subtitle to the Attorney General for processing and issuance of an identity theft passport.

(d) (1) The Attorney General, in cooperation with a law enforcement agency, may issue an identity theft passport to a person who is a victim of identity fraud.

(2) The Attorney General may not issue an identity theft passport to a person before completing a background check on the person.

(e) A person who is issued an identity theft passport under subsection (d) of this section may present the identity theft passport to:

(1) a law enforcement agency to help prevent the arrest or detention of the person for an offense committed by another using the person’s personal identifying information; or

(2) a creditor to aid in the investigation of:

(i) a fraudulent account that is opened in the person’s name; or

(ii) a fraudulent charge that is made against an account of the person.

(f) (1) A law enforcement agency or creditor that is presented with an identity theft passport under subsection (e) of this section has sole discretion to accept or reject the identity theft passport.

(2) In determining whether to accept or reject the identity theft passport, the law enforcement agency or creditor may consider the surrounding circumstances and available information regarding the offense of identity fraud against the person.

(g) An application for an identity theft passport submitted under this section, including any supporting documentation:
is not a public record; and

may not be released except to a law enforcement agency in this or another state.

The Attorney General shall adopt regulations to carry out the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.