

# SENATE BILL 388

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3lr0633  
CF 3lr1887

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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

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## A BILL ENTITLED

1 AN ACT concerning

2 **Victims of Crime – Identity Theft Passport – Children**

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

9 BY repealing and reenacting, without amendments,  
10 Article – Family Law  
11 Section 5–501(f) through (h)  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume)

14 BY repealing and reenacting, with amendments,  
15 Article – Criminal Law  
16 Section 8–305  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2012 Supplement)

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

21 **Article – Family Law**

22 5–501.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (f) “Foster care” means continuous 24-hour care and supportive services  
2 provided for a minor child placed by a child placement agency in an approved family  
3 home.

4 (g) “Group care” means continuous 24-hour care and supportive services  
5 provided for a minor child placed in a licensed group facility.

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

## 10 Article – Criminal Law

11 8–305.

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

13 (2) **“FOSTER CARE” HAS THE MEANING STATED IN § 5–501 OF**  
14 **THE FAMILY LAW ARTICLE.**

15 (3) **“GROUP CARE” HAS THE MEANING STATED IN § 5–501 OF THE**  
16 **FAMILY LAW ARTICLE.**

17 [(2)] (4) “Identity fraud” means a violation of § 8–301 of this subtitle.

18 [(3)] (5) “Identity theft passport” means a card or certificate issued  
19 by the Attorney General that verifies the identity of the person who is a victim of  
20 identity fraud.

21 (6) **“KINSHIP CARE” HAS THE MEANING STATED IN § 5–501 OF**  
22 **THE FAMILY LAW ARTICLE.**

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

26 (2) **THE DEPARTMENT OF HUMAN RESOURCES SHALL ASSIST A**  
27 **CHILD WHO HAS BEEN IDENTIFIED AS A VICTIM OF IDENTITY FRAUD TO APPLY**  
28 **FOR AN IDENTITY THEFT PASSPORT THROUGH A LAW ENFORCEMENT AGENCY IF**  
29 **THE CHILD IS:**

30 (I) **IN FOSTER CARE, GROUP CARE, OR KINSHIP CARE; AND**

1                   **(II) IN THE CARE AND CUSTODY OF THE DEPARTMENT OF**  
2 **HUMAN RESOURCES.**

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

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

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

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

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

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

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

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

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

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

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

33           (g) An application for an identity theft passport submitted under this  
34 section, including any supporting documentation:

1                   (1)    is not a public record; and

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

4                   (h)    The Attorney General shall adopt regulations to carry out the provisions  
5 of this section.

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