

Chapter 119

(Senate Bill 50)

AN ACT concerning

Crimes – Use of Personal Identifying Information or the Identity of Another – Sexual Crimes

FOR the purpose of prohibiting a person from using certain personal identifying information or the identity of an individual without consent to invite, encourage, or solicit another to commit a sexual crime against the individual; establishing certain penalties; authorizing a State's Attorney or the Attorney General to investigate and prosecute a violation of this Act; providing that when the Attorney General exercises the authority to investigate and prosecute a violation of this Act, the Attorney General has certain powers and duties of a State's Attorney; specifying venue for the prosecution of a violation of this Act; defining certain terms; and generally relating to sexual crimes and the use of personal identifying information or the identity of another.

BY adding to

Article – Criminal Law

Section 3–325

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

3–325.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “PERSONAL IDENTIFYING INFORMATION” HAS THE MEANING STATED IN § 8–301 OF THIS ARTICLE.

(3) “SEXUAL CRIME” MEANS AN ACT THAT WOULD CONSTITUTE A VIOLATION OF THIS SUBTITLE, § 3–602 OF THIS TITLE, § 3–902 OF THIS TITLE, OR TITLE 11 OF THIS ARTICLE.

(B) A PERSON MAY NOT USE THE PERSONAL IDENTIFYING INFORMATION OR IDENTITY OF AN INDIVIDUAL WITHOUT CONSENT TO INVITE, ENCOURAGE, OR SOLICIT ANOTHER TO COMMIT A SEXUAL CRIME AGAINST THE INDIVIDUAL.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

(D) (1) A STATE'S ATTORNEY OR THE ATTORNEY GENERAL MAY INVESTIGATE AND PROSECUTE A VIOLATION OF THIS SECTION OR A VIOLATION OF ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.

(2) IF THE ATTORNEY GENERAL EXERCISES AUTHORITY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ATTORNEY GENERAL HAS ALL THE POWERS AND DUTIES OF A STATE'S ATTORNEY, INCLUDING THE USE OF A GRAND JURY IN ANY COUNTY OR BALTIMORE CITY, TO INVESTIGATE AND PROSECUTE THE VIOLATION.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROSECUTION OF A VIOLATION OF THIS SECTION OR FOR A VIOLATION OF ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION MAY BE COMMENCED IN ANY COUNTY IN WHICH:

- (1) AN ELEMENT OF THE CRIME OCCURRED; OR**
- (2) THE VICTIM RESIDES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.