

SENATE BILL 583

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1998 Regular Session  
8r1057  
CF 8r1566

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By: **Senators Ruben and Forehand**  
Introduced and read first time: February 6, 1998  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Fraud - Personal Identifying Information Theft**

3 FOR the purpose of prohibiting certain persons from using an individual's personal  
4 identifying information without the authorization of that individual for certain  
5 purposes; establishing certain penalties for a violation of this Act; providing for  
6 certain penalties including restitution; defining a certain term; prohibiting a  
7 certain construction of this Act; and generally relating to personal identifying  
8 information theft.

9 BY adding to  
10 Article 27 - Crimes and Punishments  
11 Section 231 to be under the new subheading "Fraud - Personal Identifying  
12 Information"  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 1997 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 **FRAUD - PERSONAL IDENTIFYING INFORMATION**

19 231.

20 (A) IN THIS SECTION, "PERSONAL IDENTIFYING INFORMATION" MEANS THE  
21 NAME, ADDRESS, SIGNATURE, TELEPHONE NUMBER, DRIVER'S LICENSE NUMBER,  
22 SOCIAL SECURITY NUMBER, PLACE OF EMPLOYMENT, EMPLOYEE IDENTIFICATION  
23 NUMBER, MOTHER'S MAIDEN NAME, DEMAND DEPOSIT ACCOUNT NUMBER, SAVINGS  
24 ACCOUNT NUMBER, OR CREDIT CARD NUMBER OF AN INDIVIDUAL.

25 (B) A PERSON MAY NOT KNOWINGLY AND WILLFULLY OBTAIN, ATTEMPT TO  
26 OBTAIN, OR AID ANOTHER PERSON IN OBTAINING OR ATTEMPTING TO OBTAIN  
27 PERSONAL IDENTIFYING INFORMATION OF ANOTHER INDIVIDUAL, WITHOUT THE  
28 AUTHORIZATION OF THAT INDIVIDUAL, AND SELL, TRANSFER, OR USE THAT

1 INFORMATION TO OBTAIN, OR ATTEMPT TO OBTAIN CREDIT, GOODS, SERVICES, OR  
2 ANYTHING ELSE OF VALUE IN THE NAME OF THE INDIVIDUAL WITHOUT THE  
3 CONSENT OF THAT INDIVIDUAL.

4 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
5 AND ON CONVICTION SHALL:

6 (1) BE SUBJECT TO A FINE OF NOT LESS THAN \$1,000 AND NOT MORE  
7 THAN \$10,000, OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH; AND

8 (2) MAKE RESTITUTION TO THE VICTIM WHOSE PERSONAL  
9 IDENTIFYING INFORMATION THE DEFENDANT UNLAWFULLY SOLD, TRANSFERRED,  
10 OR USED, FOR ANY COSTS INCLUDING ATTORNEY FEES, INCURRED IN:

11 (I) CLEARING THE VICTIM'S CREDIT HISTORY OR CREDIT RATING;  
12 OR

13 (II) IN CONNECTION WITH ANY CIVIL OR ADMINISTRATIVE  
14 PROCEEDING TO SATISFY A DEBT, LIEN, OR OTHER OBLIGATION OF THE VICTIM THAT  
15 AROSE AS A RESULT OF THE ACTIONS OF THE DEFENDANT.

16 (D) THIS SECTION MAY NOT BE CONSTRUED TO PRECLUDE THE  
17 APPLICABILITY OF ANY OTHER PROVISION OF LAW WHICH APPLIES TO A  
18 TRANSACTION THAT VIOLATES THIS SECTION.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 1998.