

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 244

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “a” in line 3 down through “consent” in line 15 and substitute “certain persons from using an individual's personal identifying information without the consent of that individual for certain purposes; prohibiting a person from assuming the identity of another for certain purposes under certain circumstances; establishing certain penalties for a violation of this Act; providing for certain penalties including restitution; establishing that a sentence under this Act may be imposed in a certain manner under certain circumstances; defining a certain term; and generally relating to personal identifying information theft and assumption of another's identity”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 11 on page 3, inclusive, and substitute:

“(A) IN THIS SECTION, “PERSONAL IDENTIFYING INFORMATION” MEANS THE NAME, ADDRESS, TELEPHONE NUMBER, DRIVER'S LICENSE NUMBER, SOCIAL SECURITY NUMBER, PLACE OF EMPLOYMENT, EMPLOYEE IDENTIFICATION NUMBER, MOTHER'S MAIDEN NAME, BANK OR OTHER FINANCIAL INSTITUTION ACCOUNT NUMBER, DATE OF BIRTH, PERSONAL IDENTIFICATION NUMBER, OR CREDIT CARD NUMBER OF AN INDIVIDUAL.

“(B) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT INTENT OBTAIN OR AID ANOTHER PERSON IN OBTAINING PERSONAL IDENTIFYING INFORMATION OF AN INDIVIDUAL, WITHOUT THE CONSENT OF THAT INDIVIDUAL, FOR THE PURPOSE OF USING THAT INFORMATION OR SELLING OR TRANSFERRING THAT INFORMATION TO OBTAIN ANY BENEFIT, CREDIT, GOODS, SERVICES, OR OTHER ITEM OF VALUE IN THE NAME OF THAT INDIVIDUAL.

“(C) A PERSON MAY NOT KNOWINGLY AND WILLFULLY ASSUME THE

(Over)

IDENTITY OF ANOTHER:

(1) WITH FRAUDULENT INTENT TO OBTAIN ANY BENEFIT, CREDIT, GOODS, SERVICES, OR OTHER ITEM OF VALUE;

(2) WITH FRAUDULENT INTENT TO AVOID THE PAYMENT OF A DEBT OR OTHER LEGAL OBLIGATION; OR

(3) TO AVOID PROSECUTION FOR A CRIME.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT IN THE PENITENTIARY NOT EXCEEDING 1 YEAR OR BOTH.

(E) IN ADDITION TO THE RESTITUTION PROVIDED UNDER § 807 OF THIS ARTICLE, A COURT MAY ORDER A PERSON WHO PLEADS GUILTY OR NOLO CONTENDERE OR IS FOUND GUILTY UNDER THIS SECTION TO MAKE RESTITUTION TO THE VICTIM FOR REASONABLE COSTS INCURRED, INCLUDING REASONABLE ATTORNEY'S FEES:

(1) FOR CLEARING THE VICTIM'S CREDIT HISTORY OR CREDIT RATING; AND

(2) IN CONNECTION WITH ANY CIVIL OR ADMINISTRATIVE PROCEEDING TO SATISFY A DEBT, LIEN, JUDGMENT, OR OTHER OBLIGATION OF THE VICTIM THAT AROSE AS A RESULT OF THE VIOLATION OF THIS SECTION.

(F) A SENTENCE UNDER THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE VIOLATION OF THIS SECTION.”.