

HOUSE BILL 334

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HB 262/98 - JUD

1999 Regular Session
9r1635

By: **Delegates Petzold, Bronrott, Franchot, Heller, Hixson, Mandel, Krysiak, Dypski, Mohorovic, Rosenberg, and ~~Shriver~~ Shriver, Dembrow, Moe, and Boschert**

Introduced and read first time: February 5, 1999
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 1999

CHAPTER _____

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; prohibiting a person from assuming the identity of another for certain
6 purposes under certain circumstances; establishing certain penalties for a
7 violation of this Act; providing for certain penalties including restitution;
8 establishing that a sentence under this Act may be imposed in a certain manner
9 under certain circumstances; defining a certain term; and generally relating to
10 personal identifying information theft and assumption of another's identity.

11 BY adding to
12 Article 27 - Crimes and Punishments
13 Section 231 to be under the new subheading "Fraud - Personal Identifying
14 Information"
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1998 Supplement)

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

1

Article 27 - Crimes and Punishments

2

FRAUD - PERSONAL IDENTIFYING INFORMATION

3 231.

4 (A) IN THIS SECTION, "PERSONAL IDENTIFYING INFORMATION" MEANS THE
 5 NAME, ADDRESS, TELEPHONE NUMBER, DRIVER'S LICENSE NUMBER, SOCIAL
 6 SECURITY NUMBER, PLACE OF EMPLOYMENT, EMPLOYEE IDENTIFICATION NUMBER,
 7 MOTHER'S MAIDEN NAME, ~~DEMAND DEPOSIT ACCOUNT NUMBER, SAVINGS ACCOUNT~~
 8 ~~NUMBER BANK OR OTHER FINANCIAL INSTITUTION ACCOUNT NUMBER, DATE OF~~
 9 ~~BIRTH, PERSONAL IDENTIFICATION NUMBER, OR CREDIT CARD NUMBER OF AN~~
 10 INDIVIDUAL.

11 (B) A PERSON MAY NOT KNOWINGLY ~~AND WILLFULLY, WILLFULLY, AND WITH~~
 12 ~~FRAUDULENT INTENT OBTAIN, ATTEMPT TO OBTAIN, OR AID ANOTHER PERSON IN~~
 13 ~~OBTAINING OR ATTEMPTING TO OBTAIN PERSONAL IDENTIFYING INFORMATION OF~~
 14 ~~AN INDIVIDUAL, WITHOUT THE AUTHORIZATION CONSENT OF THAT INDIVIDUAL,~~
 15 ~~AND SELL, TRANSFER, OR USE THAT FOR THE PURPOSE OF USING THAT~~
 16 ~~INFORMATION OR SELLING OR TRANSFERRING THAT INFORMATION TO OBTAIN, OR~~
 17 ~~ATTEMPT TO OBTAIN ANY BENEFIT, CREDIT, GOODS, OR SERVICES IN THE NAME OF~~
 18 ~~THE INDIVIDUAL WITHOUT THE CONSENT OF THAT INDIVIDUAL SERVICES, OR~~
 19 ~~OTHER ITEM OF VALUE IN THE NAME OF THAT INDIVIDUAL.~~

20 (C) A PERSON MAY NOT KNOWINGLY AND WILLFULLY ASSUME THE IDENTITY
 21 OF ANOTHER:

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

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

26 (3) TO AVOID PROSECUTION FOR A CRIME.

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

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

31 (2) MAKE RESTITUTION TO THE VICTIM WHOSE PERSONAL
 32 IDENTIFYING INFORMATION THE DEFENDANT UNLAWFULLY SOLD, TRANSFERRED,
 33 OR USED, FOR ANY COSTS INCLUDING ATTORNEY FEES, INCURRED;

34 (4) CLEARING THE VICTIM'S CREDIT HISTORY OR CREDIT RATING;
 35 OR

1 ~~(H) IN CONNECTION WITH ANY CIVIL OR ADMINISTRATIVE~~
2 ~~PROCEEDING TO SATISFY A DEBT, LIEN, OR OTHER OBLIGATION OF THE VICTIM THAT~~
3 ~~AROSE AS A RESULT OF THE ACTIONS OF THE DEFENDANT.~~

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

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1999.