
By: **Delegate Boschert**

Introduced and read first time: February 18, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Fraud - Personal Identifying Information**

3 FOR the purpose of prohibiting certain persons from possessing or using an
4 individual's personal identifying information for certain purposes without the
5 authorization of that individual or that individual's agent; establishing certain
6 penalties for a violation of this Act; defining a certain term; providing for
7 concurrent jurisdiction in the District Court and circuit courts; and generally
8 relating to personal identifying information fraud.

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 1998 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 4-301 and 4-302
18 Annotated Code of Maryland
19 (1998 Replacement Volume)

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

22 **Article 27 - Crimes and Punishments**

23 **FRAUD - PERSONAL IDENTIFYING INFORMATION**

24 231.

25 (A) IN THIS SECTION, "PERSONAL IDENTIFYING INFORMATION" MEANS:

26 (1) AN INDIVIDUAL'S:

- 1 (I) NAME;
- 2 (II) ADDRESS;
- 3 (III) TELEPHONE NUMBER;
- 4 (IV) DRIVER'S LICENSE NUMBER;
- 5 (V) SOCIAL SECURITY NUMBER;
- 6 (VI) PLACE OF EMPLOYMENT;
- 7 (VII) EMPLOYEE IDENTIFICATION NUMBER;
- 8 (VIII) MOTHER'S MAIDEN NAME;
- 9 (IX) PERSONAL IDENTIFICATION NUMBER OR PIN;
- 10 (X) DEMAND DEPOSIT ACCOUNT NUMBER;
- 11 (XI) SAVINGS ACCOUNT NUMBER;
- 12 (XII) CHECKING ACCOUNT NUMBER; OR
- 13 (XIII) CREDIT CARD NUMBER; OR
- 14 (2) ANY OTHER DOCUMENT USED FOR THE PURPOSE OF IDENTIFYING
15 AN INDIVIDUAL.

16 (B) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT
17 INTENT:

18 (1) POSSESS PERSONAL IDENTIFYING INFORMATION OF ANOTHER
19 WITHOUT CONSENT OF THAT INDIVIDUAL OR THAT INDIVIDUAL'S AGENT; OR

20 (2) OBTAIN OR AID ANOTHER PERSON OR ENTITY IN OBTAINING
21 PERSONAL IDENTIFYING INFORMATION OF ANOTHER INDIVIDUAL AND SELL,
22 TRANSFER, OR OTHERWISE USE THAT INFORMATION TO OBTAIN OR ATTEMPT TO
23 OBTAIN ANY BENEFIT, CREDIT, GOODS, SERVICES, OR OTHER THINGS OF VALUE, OR
24 TO AVOID IDENTIFICATION, APPREHENSION, OR PROSECUTION IN THE NAME OF OR
25 UNDER THE IDENTITY OF THE INDIVIDUAL WITHOUT THE CONSENT OF THAT
26 INDIVIDUAL OR THAT INDIVIDUAL'S AGENT.

27 (C) (1) A PERSON WHO VIOLATES SUBSECTION (B)(1) OF THIS SECTION IS
28 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
29 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

30 (2) A PERSON WHO VIOLATES SUBSECTION (B)(2) OF THIS SECTION IS
31 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
32 \$10,000 OR IMPRISONMENT NOT EXCEEDING 15 YEARS OR BOTH.

1 **Article - Courts and Judicial Proceedings**

2 4-301.

3 (a) Except as provided in § 4-302 and § 3-804, the District Court has
4 exclusive original jurisdiction in a criminal case in which a person at least 16 years
5 old or a corporation is charged with violation of the vehicle laws, or the State Boat
6 Act, or rules and regulations adopted pursuant to it.

7 (b) Except as provided in § 4-302 of this subtitle, the District Court also has
8 exclusive original jurisdiction in a criminal case in which a person at least 18 years
9 old or a corporation is charged with:

10 (1) Commission of a common-law or statutory misdemeanor regardless
11 of the amount of money or value of the property involved;

12 (2) Violation of §§ 342 through 344 of Article 27 of the Code, whether a
13 felony or a misdemeanor;

14 (3) Violation of a county, municipal, or other ordinance, if the violation is
15 not a felony;

16 (4) Criminal violation of a State, county, or municipal rule or regulation,
17 if the violation is not a felony;

18 (5) Doing or omitting to do any act made punishable by a fine,
19 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or
20 regulation defining the violation if the violation is not a felony;

21 (6) Violation of Article 27, § 141 of this Code, whether a felony or a
22 misdemeanor;

23 (7) Violation of Article 27, § 145 of this Code, whether a felony or
24 misdemeanor;

25 (8) Violation of Article 27, § 44 of the Code;

26 (9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a
27 felony or a misdemeanor;

28 (10) Violation of § 9-1106 of the Labor and Employment Article;

29 (11) Violation of § 14-1403 of the Commercial Law Article;

30 (12) Violation of Article 27, § 388 of the Code; [or]

31 (13) Violation of Article 27, § 388A of the Code; OR

32 (14) VIOLATION OF ARTICLE 27, § 231 OF THE CODE.

1 4-302.

2 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), [and]
3 (13), AND (14) of this subtitle, the District Court does not have jurisdiction to try a
4 criminal case charging the commission of a felony.

5 (b) Except as provided in § 4-303 of this subtitle, the District Court does not
6 have criminal jurisdiction to try a case in which a juvenile court has exclusive original
7 jurisdiction.

8 (c) The jurisdiction of the District Court is concurrent with that of the juvenile
9 court in any criminal case arising under the compulsory public school attendance
10 laws of this State.

11 (d) (1) Except as provided in paragraph (2) of this subsection, the
12 jurisdiction of the District Court is concurrent with that of the circuit court in a
13 criminal case:

14 (i) In which the penalty may be confinement for three years or
15 more or a fine of \$2,500 or more; or

16 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
17 (10), (11), (12), [and] (13), AND (14) of this subtitle.

18 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
19 circuit court does not have jurisdiction to try a case charging a violation of Article 27,
20 § 287 of the Code.

21 (ii) A circuit court does have jurisdiction to try a case charging a
22 violation of Article 27, § 287 of the Code if the defendant:

23 1. Properly demands a jury trial;

24 2. Appeals as provided by law from a final judgment entered
25 in the District Court; or

26 3. Is charged with another offense arising out of the same
27 circumstances that is within a circuit court's jurisdiction.

28 (e) (1) The District Court is deprived of jurisdiction if a defendant is entitled
29 to and demands a jury trial at any time prior to trial in the District Court.

30 (2) (i) Except as provided in subparagraph (ii) of this paragraph,
31 unless the penalty for the offense with which the defendant is charged permits
32 imprisonment for a period in excess of 90 days, a defendant is not entitled to a jury
33 trial in a criminal case.

34 (ii) Notwithstanding the provisions of subparagraph (i) of this
35 paragraph, the presiding judge of the District Court may deny a defendant a jury trial
36 if:

1 1. The prosecutor recommends in open court that the judge
2 not impose a penalty of imprisonment for a period in excess of 90 days, regardless of
3 the permissible statutory or common law maximum;

4 2. The judge agrees not to impose a penalty of imprisonment
5 for a period in excess of 90 days; and

6 3. The judge agrees not to increase the defendant's bond if an
7 appeal is noted.

8 (iii) The State may not demand a jury trial.

9 (f) (1) Except as provided in Title 4, Subtitle 5 of the Family Law Article,
10 the District Court does not have jurisdiction of an offense otherwise within the
11 District Court's jurisdiction if a person is charged:

12 (i) With another offense arising out of the same circumstances but
13 not within the District Court's jurisdiction; or

14 (ii) In the circuit court with an offense arising out of the same
15 circumstances and within the concurrent jurisdictions of the District Court and the
16 circuit court described under subsection (d) of this section.

17 (2) In the cases described under paragraph (1) of this subsection, the
18 circuit court for the county has exclusive original jurisdiction over all the offenses.

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