
By: **Senators Teitelbaum, Exum, Kelley, Hooper, Della, Conway, Astle,
Dyson, and Frosh**

Introduced and read first time: February 3, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Fraud - Personal Identifying Information Theft**

3 FOR the purpose of prohibiting a person from using another 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 restitution and for certain costs under certain circumstances; providing for
7 certain liquidated damages for certain costs under certain circumstances;
8 defining a certain term; providing for the construction of this Act; and generally
9 relating to using personal identifying information of an individual without the
10 consent or authorization of the individual under certain circumstances.

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:

19 **Article 27 - Crimes and Punishments**

20 **FRAUD - PERSONAL IDENTIFYING INFORMATION**

21 231.

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

1 (B) THIS SECTION DOES NOT AFFECT THE APPLICABILITY OF ANY OTHER
2 PROVISION OF LAW TO A TRANSACTION THAT VIOLATES THIS SECTION.

3 (C) A PERSON MAY NOT INTENTIONALLY USE, ATTEMPT TO USE, OR
4 REPRESENT THAT THE PERSON IS ACTING WITH THE AUTHORIZATION OR CONSENT
5 TO USE ANY PERSONAL IDENTIFYING INFORMATION OR PERSONAL IDENTIFICATION
6 DOCUMENT OF AN INDIVIDUAL TO OBTAIN CREDIT, MONEY, GOODS, SERVICES, OR
7 ANYTHING ELSE OF VALUE WITHOUT THE AUTHORIZATION OR CONSENT OF THE
8 INDIVIDUAL.

9 (D) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
10 MISDEMEANOR AND ON CONVICTION SHALL BE SUBJECT TO A FINE NOT EXCEEDING
11 \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

12 (2) IN ADDITION TO THE PENALTY PROVIDED IN PARAGRAPH (1) OF THIS
13 SUBSECTION, A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION SHALL
14 MAKE RESTITUTION TO THE VICTIM WHOSE PERSONAL IDENTIFYING INFORMATION
15 THE PERSON UNLAWFULLY SOLD, TRANSFERRED, OR USED, FOR ANY COSTS
16 INCLUDING ATTORNEY FEES, INCURRED:

17 (I) IN CLEARING THE VICTIM'S CREDIT HISTORY OR CREDIT
18 RATING; OR

19 (II) IN CONNECTION WITH ANY CIVIL OR ADMINISTRATIVE
20 PROCEEDING TO SATISFY A DEBT, LIEN, OR OTHER OBLIGATION OF THE VICTIM THAT
21 AROSE AS A RESULT OF THE ACTIONS OF THE PERSON.

22 (3) IN ADDITION TO THE PENALTY PROVIDED IN PARAGRAPH (1) OF THIS
23 SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS ALSO LIABLE TO THE
24 VICTIM FOR LIQUIDATED DAMAGES IN AN AMOUNT NOT TO EXCEED 25 PERCENT OF
25 THE COSTS ENUMERATED IN PARAGRAPH (2) OF THIS SUBSECTION.

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