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1999 Regular Session 9lr1977

By: Senator Jimeno

Introduced and read first time: February 5, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

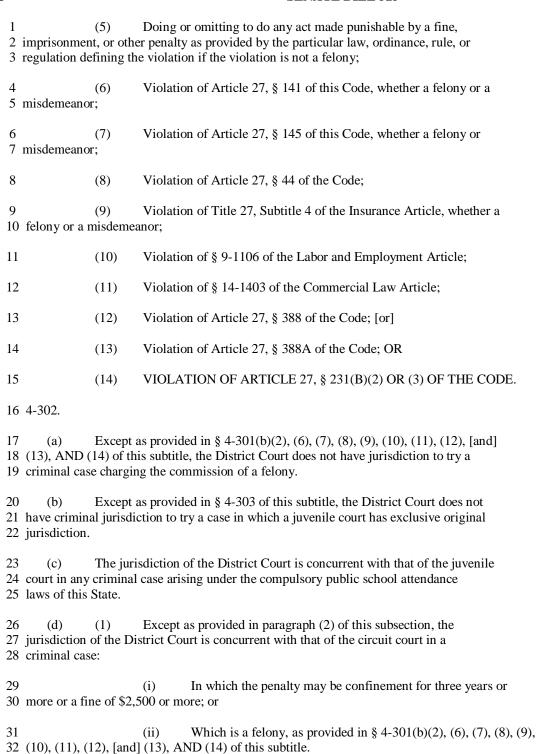
2 Fraud - Personal Identifying Information

- 3 FOR the purpose of prohibiting a person from knowingly, willfully, and with
- 4 fraudulent intent possessing, obtaining, or using an individual's personal
- 5 identification information for certain purposes without the consent of that
- 6 individual or the individual's agent; establishing certain penalties for a violation
- 7 of this Act; providing for concurrent jurisdiction over certain offenses in the
- 8 District Court and circuit courts; defining a certain term; and generally relating
- 9 to possessing, obtaining, or using personal identifying information without
- 10 consent.
- 11 BY adding to
- 12 Article 27 Crimes and Punishments
- 13 Section 231
- 14 Annotated Code of Maryland
- 15 (1996 Replacement Volume and 1998 Supplement)
- 16 BY repealing and reenacting, with amendments,
- 17 Article Courts and Judicial Proceedings
- 18 Section 4-301(b) and 4-302(a), (b), (c), and (d)
- 19 Annotated Code of Maryland
- 20 (1998 Replacement Volume)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 22 MARYLAND, That the Laws of Maryland read as follows:
- 23 Article 27 Crimes and Punishments

24 231.

- 25 (A) IN THIS SECTION, "PERSONAL IDENTIFYING INFORMATION" MEANS A
- 26 NAME, ADDRESS, TELEPHONE NUMBER, DRIVER'S LICENSE NUMBER, SOCIAL
- 27 SECURITY NUMBER, PLACE OF EMPLOYMENT, EMPLOYEE IDENTIFICATION NUMBER,
- 28 MOTHER'S MAIDEN NAME, PERSONAL IDENTIFICATION NUMBER, DEMAND DEPOSIT

- 1 ACCOUNT NUMBER, SAVINGS ACCOUNT NUMBER, CHECKING ACCOUNT NUMBER,
- 2 CREDIT CARD NUMBER, OR ANY OTHER DOCUMENT USED FOR THE PURPOSE OF
- 3 IDENTIFYING AN INDIVIDUAL.
- 4 (B) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT
- 5 INTENT:
- 6 (1) POSSESS PERSONAL IDENTIFYING INFORMATION OF ANOTHER 7 INDIVIDUAL WITHOUT CONSENT OF THAT INDIVIDUAL OR INDIVIDUAL'S AGENT;
- 8 (2) OBTAIN OR AID ANOTHER PERSON IN OBTAINING PERSONAL
- 9 IDENTIFYING INFORMATION OF ANOTHER INDIVIDUAL WITHOUT THE CONSENT OF
- 10 THAT INDIVIDUAL OR INDIVIDUAL'S AGENT, AND SELL, TRANSFER, OR OTHERWISE
- 11 USE THAT INFORMATION TO OBTAIN OR ATTEMPT TO OBTAIN ANY BENEFIT, CREDIT,
- 12 GOODS, SERVICES, OR OTHER THINGS OF VALUE; OR
- 13 (3) OBTAIN OR AID ANOTHER PERSON IN OBTAINING PERSONAL
- 14 IDENTIFYING INFORMATION OF ANOTHER INDIVIDUAL WITHOUT THE CONSENT OF
- 15 THAT INDIVIDUAL OR INDIVIDUAL'S AGENT, TO AVOID IDENTIFICATION,
- 16 APPREHENSION, OR PROSECUTION.
- 17 (C) (1) A PERSON WHO VIOLATES SUBSECTION (B)(1) OF THIS SECTION IS
- 18 GUILTY OF A MISDEMEANOR AND ON CONVICTION SHALL BE SUBJECT TO A FINE
- 19 NOT EXCEEDING \$5,000 OR IMPRISONMENT IN THE PENITENTIARY NOT EXCEEDING 2
- 20 YEARS OR BOTH.
- 21 (2) A PERSON WHO VIOLATES SUBSECTION (B)(2) OR (3) OF THIS SECTION
- 22 IS GUILTY OF A FELONY AND UPON CONVICTION IS SUBJECT TO A FINE NOT
- 23 EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 15 YEARS OR BOTH.
- 24 Article Courts and Judicial Proceedings
- 25 4-301.
- 26 (b) Except as provided in § 4-302 of this subtitle, the District Court also has
- 27 exclusive original jurisdiction in a criminal case in which a person at least 18 years
- 28 old or a corporation is charged with:
- 29 (1) Commission of a common-law or statutory misdemeanor regardless
- 30 of the amount of money or value of the property involved;
- 31 (2) Violation of §§ 342 through 344 of Article 27 of the Code, whether a
- 32 felony or a misdemeanor;
- 33 (3) Violation of a county, municipal, or other ordinance, if the violation is
- 34 not a felony;
- 35 (4) Criminal violation of a State, county, or municipal rule or regulation,
- 36 if the violation is not a felony;



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1	(2) (i)		as provided in subparagraph (ii) of this paragraph, a
2	circuit court does not have juris	sdiction t	o try a case charging a violation of Article 27,
3	§ 287 of the Code.		
4 5	(ii) violation of Article 27, § 287 o		t court does have jurisdiction to try a case charging a le if the defendant:
6		1.	Properly demands a jury trial;
7		2.	Appeals as provided by law from a final judgment entered
8	in the District Court; or		
9		3.	Is charged with another offense arising out of the same
10	circumstances that is within a circuit court's jurisdiction.		
11	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect		
12	2 October 1, 1999.		