

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;

- 1 (5) Doing or omitting to do any act made punishable by a fine,
2 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or
3 regulation defining the violation if the violation is not a felony;
- 4 (6) Violation of Article 27, § 141 of this Code, whether a felony or a
5 misdemeanor;
- 6 (7) Violation of Article 27, § 145 of this Code, whether a felony or
7 misdemeanor;
- 8 (8) Violation of Article 27, § 44 of the Code;
- 9 (9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a
10 felony or a misdemeanor;
- 11 (10) Violation of § 9-1106 of the Labor and Employment Article;
- 12 (11) Violation of § 14-1403 of the Commercial Law Article;
- 13 (12) Violation of Article 27, § 388 of the Code; [or]
- 14 (13) Violation of Article 27, § 388A of the Code; OR
- 15 (14) VIOLATION OF ARTICLE 27, § 231(B)(2) OR (3) OF THE CODE.

16 4-302.

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

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

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

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

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

31 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
32 (10), (11), (12), [and] (13), AND (14) of this subtitle.

1 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
2 circuit court does not have jurisdiction to try a case charging a violation of Article 27,
3 § 287 of the Code.

4 (ii) A circuit court does have jurisdiction to try a case charging a
5 violation of Article 27, § 287 of the Code 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 October 1, 1999.