

Department of Legislative Services  
Maryland General Assembly  
1999 Session

FISCAL NOTE  
Revised

House Bill 334 (Delegate Petzold. *et al.*)

Judiciary

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**Fraud - Personal Identifying Information Theft**

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This bill makes it a crime to knowingly, willfully, and with fraudulent intent obtain another person's "personal identifying information" for the purpose of using that information or selling or transferring that information to obtain credit, goods, or services in that other person's name without consent. The bill also prohibits a person from knowingly and willfully assuming the identity of another with specified fraudulent intent or to avoid prosecution of a crime. Violators are guilty of a misdemeanor and subject to maximum penalties of a fine of \$5,000 and/or imprisonment of one year. The bill also subjects violators to specified restitution provisions for reasonable costs, including attorneys' fees, incurred: (1) clearing the victims credit history and rating; or (2) in connection with the settlement of any obligations arising from the fraud. The bill allows consecutive or concurrent sentencing for any offense based on violations of these provisions.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. Enforcement of the bill's restitution provisions could be handled with the existing budgeted resources of the Judiciary.

**Local Effect:** Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

**Small Business Effect:** None.

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## Fiscal Analysis

**State Revenues:** General fund revenues could increase minimally under the bill's monetary penalty provision for those cases heard in the District Court.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to a Division of Correction (DOC) facility.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 2000 are estimated to range from \$8 to \$48 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate is estimated at \$1,600 per month. However, if this legislation does not require new beds or additional facilities, the average variable cost of housing a new DOC inmate (food, medical care, etc. but not costs for additional personnel or building maintenance) is \$275 per month. The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions.

**Local Revenues:** Revenues could increase minimally under the bill's monetary penalty provision for those cases heard in the circuit courts.

**Local Expenditures:** Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$15 to \$80 per inmate in fiscal 2000.

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**Information Source(s):** Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

**Fiscal Note History:**

First Reader - February 10, 1999

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Revised - House Third Reader - April 6, 1999

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