

**Department of Legislative Services**  
Maryland General Assembly  
1999 Session

**FISCAL NOTE**

House Bill 1049 (Delegate Boschert)

Judiciary

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**Fraud - Personal Identifying Information**

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This bill prohibits a person from knowingly, willfully, and with fraudulent intent from: (1) possessing another individual's personal identification information without the consent of that individual or the individual's agent; (2) obtaining such information in order to obtain something of value; or (3) obtaining such information without consent in order to avoid identification, apprehension, or prosecution. The bill establishes the unauthorized possession of such information as a misdemeanor subject to maximum penalties of a fine of \$5,000 and/or imprisonment for 2 years, and establishes the unauthorized obtaining and use of such information (as described above) as a felony subject to maximum penalties of a fine of \$10,000 and/or imprisonment for 15 years.

The bill also provides for concurrent jurisdiction for these offenses in the District Court and circuit courts.

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**Fiscal Summary**

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

**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**

**Background:** Personal identity theft is believed to be one of the fastest growing crimes in the nation. Congress recently passed the Identity Theft Protection Act of 1998, which makes it unlawful for anyone to knowingly transfer or use, without lawful authority, another person's identification with the intent to commit unlawful activity that constitutes a violation of federal law or a felony under state or local law. The new law sets criminal penalties for first and subsequent offenses, and provides for mandatory restitution for victims that may include payment of any costs, including attorneys' fees. In addition, the states of Arizona, California, Georgia, Kansas, Mississippi, Missouri, Montana, New Jersey, West Virginia, and Wisconsin have created new felonies and/or misdemeanors to address this problem.

**State Revenues:** General fund revenues could increase minimally as a result of the bill's monetary penalty provision from 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 Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$275 per month.

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 incarceration costs, on a per diem basis, 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, including overhead, is estimated at \$1,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$275 per month.

**Local Revenues:** Revenues could increase minimally as a result of the bill's monetary penalty provision from 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):** Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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