
By: **Delegates Petzold, Barve, Barkley, Boschert, Burns, Cole, Heller,
Hutchins, Kelly, Mandel, Menes, Murphy, Pendergrass, and Shriver**

Introduced and read first time: January 25, 2002

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2002

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Fraud - Personal Identifying Information**

3 FOR the purpose of expanding a certain definition of personal identifying information
4 to include payment device numbers; expanding the crime of fraud involving
5 personal identifying information to include possession or aiding another in
6 possessing the personal identifying information of an individual under certain
7 circumstances; prohibiting a person from creating a false identification with a
8 certain intent; altering the penalties for fraud involving personal identifying
9 information; providing certain penalties depending on the value of goods
10 obtained fraudulently when using a certain person's personal identifying
11 information; providing a penalty when the personal identifying information of a
12 certain individual is used for certain purposes without that person's consent;
13 providing a penalty when the personal identifying information is used to avoid
14 prosecution for certain crimes; providing statewide jurisdiction for certain law
15 enforcement officers of the Department of State Police investigating and
16 enforcing the crime of fraudulent use of personal identifying information;
17 providing statewide jurisdiction for certain law enforcement officers
18 investigating the crime of fraudulent use of personal identifying information
19 under certain circumstances; providing certain notifications of investigations ~~or~~
20 ~~enforcement actions~~ to certain law enforcement agencies; providing immunity
21 and exceptions from liability for certain law enforcement officers when acting
22 under the statewide jurisdiction of this section; repealing certain provisions of
23 law that prohibit the possession of a credit card number or payment device
24 number of another person; ~~altering the exclusive original jurisdiction of the~~
25 ~~District Court to include~~ establishing that the jurisdiction of the District Court
26 is concurrent with the circuit courts for felony criminal cases of fraud involving
27 personal identifying information; defining a certain term; making stylistic

1 changes; providing for the construction of this Act; and generally relating to the
2 crime of fraud involving personal identifying information.

3 BY repealing

4 Article - Criminal Law

5 Section 8-215

6 Annotated Code of Maryland

7 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of

8 2002)

9 BY repealing and reenacting, with amendments,

10 Article - Criminal Law

11 Section 8-301

12 Annotated Code of Maryland

13 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of

14 2002)

15 BY repealing and reenacting, with amendments,

16 Article - Courts and Judicial Proceedings

17 Section 4-301(b)(11)

18 Annotated Code of Maryland

19 (1998 Replacement Volume and 2001 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article - Courts and Judicial Proceedings

22 Section 4-302(a) and (d)(1)(ii)

23 Annotated Code of Maryland

24 (1998 Replacement Volume and 2001 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article - Criminal Law**

28 [8-215.

29 With unlawful or fraudulent intent, a person may not possess:

30 (1) a credit card number or other payment device number belonging to
31 another; or

32 (2) any holder's signature.]

1 8-301.

2 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "PAYMENT DEVICE NUMBER" HAS THE MEANING STATED IN § 8-213
5 OF THIS TITLE.

6 (3) "[personal] PERSONAL identifying information" means a name,
7 address, telephone number, driver's license number, Social Security number, place of
8 employment, employee identification number, mother's maiden name, bank or other
9 financial institution account number, date of birth, personal identification number,
10 [or] credit card number, OR OTHER PAYMENT DEVICE NUMBER.

11 (b) A person may not knowingly, willfully, and with fraudulent intent
12 POSSESS, [obtain] OBTAIN, or help another to POSSESS OR obtain any personal
13 identifying information of an individual, without the consent of the individual, in
14 order to use, sell, or transfer the information to get a benefit, credit, good, service, or
15 other thing of value in the name of the individual.

16 (c) A person may not knowingly and willfully assume the identity of another
17 OR CREATE A FALSE IDENTITY:

18 (1) to avoid IDENTIFICATION, APPREHENSION, OR prosecution for a
19 crime; or

20 (2) with fraudulent intent to:

21 (i) get a benefit, credit, good, service, or other thing of value; or

22 (ii) avoid the payment of debt or other legal obligation.

23 (d) (1) A PERSON WHO VIOLATES THIS SECTION WHERE THE BENEFIT,
24 CREDIT, GOODS, SERVICES, OR OTHER ITEM OF VALUE THAT IS THE SUBJECT OF
25 SUBSECTION (B) OR SUBSECTION (C) HAS A VALUE OF \$500 OR GREATER IS GUILTY OF
26 A FELONY AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~45~~ 10 YEARS OR A
27 FINE NOT EXCEEDING \$5,000 OR BOTH.

28 (2) A person who violates this section WHERE THE BENEFIT, CREDIT,
29 GOODS, SERVICES, OR OTHER ITEM OF VALUE THAT IS THE SUBJECT OF SUBSECTION
30 (B) OR SUBSECTION (C) HAS A VALUE OF LESS THAN \$500 is guilty of a misdemeanor
31 and [on conviction] is subject to imprisonment not exceeding [1 year] 18 MONTHS or
32 a fine not exceeding \$5,000 or both.

33 (3) A PERSON WHO VIOLATES THIS SECTION AND THE CIRCUMSTANCES
34 REASONABLY INDICATE THAT THE PERSON'S INTENT WAS TO MANUFACTURE,
35 DISTRIBUTE, OR DISPENSE ANOTHER INDIVIDUAL'S PERSONAL IDENTIFYING
36 INFORMATION WITHOUT THAT INDIVIDUAL'S CONSENT IS GUILTY OF A FELONY AND
37 IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~45~~ 10 YEARS OR A FINE NOT
38 EXCEEDING \$5,000 OR BOTH.

1 (4) A PERSON WHO VIOLATES SUBSECTION (C)(1) IS GUILTY OF A
2 MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 18
3 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

4 (5) WHEN THE VIOLATION OF THIS SECTION IS PURSUANT TO ONE
5 SCHEME OR CONTINUING COURSE OF CONDUCT, WHETHER FROM THE SAME OR
6 SEVERAL SOURCES, THE CONDUCT MAY BE CONSIDERED AS ONE OFFENSE AND THE
7 VALUE OF THE BENEFIT, CREDIT, GOODS, SERVICES, OR OTHER ITEM MAY BE
8 AGGREGATED IN DETERMINING WHETHER THE VIOLATION IS A FELONY OR
9 MISDEMEANOR.

10 (e) A person who violates this section is subject to § 5-106(b) of the Courts
11 Article.

12 (f) In addition to restitution under Title 11, Subtitle 6 of the Criminal
13 Procedure Article, a court may order a person who pleads guilty or nolo contendere or
14 who is found guilty under this section to make restitution to the victim for reasonable
15 costs, including reasonable attorney's fees, incurred:

16 (1) for clearing the victim's credit history or credit rating; and

17 (2) in connection with a civil or administrative proceeding to satisfy a
18 debt, lien, judgment, or other obligation of the victim that arose because of the
19 violation.

20 (g) A sentence under this section may be imposed separate from and
21 consecutive to or concurrent with a sentence for any crime based on the act or acts
22 establishing the violation of this section.

23 (H) NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT OF STATE
24 POLICE MAY INITIATE INVESTIGATIONS AND ENFORCE THIS SECTION THROUGHOUT
25 THE STATE WITHOUT REGARD TO ANY LIMITATION OTHERWISE APPLICABLE TO
26 THAT DEPARTMENT'S ACTIVITIES IN A MUNICIPAL CORPORATION OR OTHER
27 POLITICAL SUBDIVISION.

28 (I) (1) NOTWITHSTANDING ANY OTHER LAW, A LAW ENFORCEMENT
29 OFFICER OF THE MARYLAND TRANSPORTATION AUTHORITY POLICE, THE MARYLAND
30 PORT ADMINISTRATION POLICE, OR A MUNICIPAL CORPORATION OR COUNTY MAY
31 INVESTIGATE ~~AND OTHERWISE ENFORCE~~ VIOLATIONS OF THIS SECTION
32 THROUGHOUT THE STATE WITHOUT ANY LIMITATION AS TO JURISDICTION AND TO
33 THE SAME EXTENT AS A LAW ENFORCEMENT OFFICER OF THE DEPARTMENT OF
34 STATE POLICE.

35 (2) THE AUTHORITY GRANTED IN PARAGRAPH (1) OF THIS SUBSECTION
36 MAY BE EXERCISED ONLY IN ACCORDANCE WITH REGULATIONS THAT THE
37 SECRETARY OF THE STATE POLICE ADOPTS.

38 (3) THE REGULATIONS ARE NOT SUBJECT TO TITLE 10, SUBTITLE 1 OF
39 THE STATE GOVERNMENT ARTICLE.

1 4-302.

2 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
3 (14), (15), and (16) of this subtitle, the District Court does not have jurisdiction to try
4 a criminal case charging the commission of a felony.

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

8 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
9 (10), (11), (12), (13), (14), (15), and (16) of this subtitle.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
11 construed to apply only prospectively and may not be applied or interpreted to have
12 any effect on or application to any offenses that were committed before October 1,
13 2002.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2002.