

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 393

(Montgomery County Delegation and  
Prince George's County Delegation)

Judiciary

Judicial Proceedings

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**Park Police of the Maryland-National Capital Park and Planning Commission -  
Investigatory Authority - Fraudulent Use of Personal Identifying Information  
MC/PG 113-03**

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This bill provides that the Park Police of the Maryland-National Capital Park and Planning Commission have statewide jurisdiction to investigate and enforce fraudulent use of personal identifying information provisions to the same extent as a law enforcement officer of the Department of State Police.

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**Fiscal Summary**

**State Effect:** This bill would not directly affect governmental operations or finances.

**Local Effect:** The bill's changes could be handled with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority, the Maryland Port Administration, a municipal corporation, or a county may investigate incidents of fraudulent use of personal identifying information without limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police. The authority may be exercised only in accordance with regulations adopted by the Secretary of the State Police. Also, the authority may be exercised only if an act related to the crime was

committed in the investigating agency's jurisdiction or if the complaining witness resides in the investigating agency's jurisdiction.

**Background:** Identity theft is commonly regarded as one of the fastest growing crimes in the United States. The Identity Theft Data Clearinghouse of the Federal Trade Commission (FTC) has identified 86,168 victims of this crime in the United States during calendar 2001 (the latest data available). About 20% of the 86,168 victims reported experiencing more than one type of identity theft. By far, the most common identity crime was credit card fraud. About 36,190 of the reported crimes, 42% of the total number, involved credit card fraud. About 61% of credit card identity fraud crimes involve creation of new accounts. Other types of identity fraud involve creation of new phone and utility accounts, creation of new depository accounts, and fraudulent loans. FTC reported that 3,497 complaints about identity fraud were received in Maryland during 2002, compared to 1,976 complaints in 2001.

According to FTC, the states with the highest number of identity theft complaints during calendar 2001 were California, New York, Texas, Florida, and Illinois. The jurisdictions with the highest number of identity theft complaints per capita were the District of Columbia, California, Nevada, Maryland, and New York. All 50 states and the District of Columbia have provisions related to identity theft. In 1998, the federal government enacted the Identity Theft and Assumption Deterrence Act, which makes it a federal crime to knowingly transfer or use the means of identification of another person with the intent to commit a violation of federal law or a felony under any state or local law.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland-National Capital Park and Planning Commission, Federal Trade Commission, *CNN.com Law Center*, *The Daily Record*, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2003  
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