

HOUSE BILL 191

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2004 Regular Session
4lr1777
CF 4lr2196

By: **Delegates Lee, Stern, Goldwater, Barkley, Bobo, Conroy, Dumais, Dwyer, Feldman, Gaines, Gutierrez, Hennessy, Kaiser, Kelley, Madaleno, McComas, Menes, Montgomery, Niemann, Pendergrass, Quinter, Ramirez, Shank, and V. Turner V. Turner, Anderson, G. Clagett, DeBoy, Healey, Heller, Hixson, Hubbard, Kelley, Mandel, Murray, Parker, Parrott, Petzold, Sophocleus, Stern, and Vallario**

Introduced and read first time: January 21, 2004
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 2, 2004

CHAPTER _____

1 AN ACT concerning

2 **Task Force to Study Identity Theft**

3 FOR the purpose of establishing a Task Force to Study Identity Theft; specifying the
4 membership and duties of the Task Force; providing for the appointment of a
5 ~~Senate co-chairman and House co-chairman~~ chairman of the Task Force;
6 providing for the staffing of the Task Force; prohibiting a member of the Task
7 Force from receiving compensation for serving on the Task Force; authorizing a
8 member of the Task Force to receive reimbursement for certain expenses;
9 requiring a certain interim report on or before a certain date; requiring a certain
10 final report on or before a certain date; providing for the termination of the Task
11 Force; and generally relating to the Task Force to Study Identity Theft.

12 ~~WHEREAS, The Federal Trade Commission recently estimated that 27.3 million~~
13 ~~people nationwide have been victims of some form of identity theft over the last 5~~
14 ~~years, and 9.9 million people were victims during 2002 alone;~~

15 ~~WHEREAS, Approximately 3,500 people in Maryland reported being victims of~~
16 ~~identity theft during 2002;~~

17 ~~WHEREAS, Fraud based on identity theft cost businesses in the United States~~
18 ~~approximately \$47.6 billion, or approximately \$4,800 per victim on average;~~

19 ~~WHEREAS, Victims of identity theft may be forced to spend months or even~~
20 ~~years and thousands of dollars to clear their good names and credit records; and~~

1 ~~WHEREAS, Victims of identity theft may lose job opportunities, be refused~~
2 ~~credit, or even be arrested for crimes they did not commit; now, therefore,~~

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That:

5 (a) There is a Task Force to Study Identity Theft.

6 (b) The Task Force consists of the following members:

7 (1) three members of the Senate of Maryland, appointed by the President
8 of the Senate;

9 (2) three members of the House of Delegates, appointed by the Speaker
10 of the House;

11 (3) the Attorney General, or the Attorney General's designee;

12 (4) the Superintendent of State Police, or the Superintendent's designee;

13 (5) the Commissioner of Financial Regulation;

14 (6) the Motor Vehicle Administrator, or the Administrator's designee;

15 ~~(6)~~ (7) the following members, appointed by the Governor:

16 (i) one representative of the Maryland State's Attorneys'
17 Association;

18 ~~(ii) one representative of the Maryland Chiefs of Police Association;~~

19 ~~(iii) one representative of the Maryland Sheriffs' Association;~~

20 ~~(iv) one representative from a State-chartered commercial bank;~~
21 ~~and~~

22 ~~(v) one representative from a State-chartered credit union; and~~

23 (7) the following members appointed jointly by the President of the
24 Senate and the Speaker of the House:

25 ~~(i) one representative who is a retailer in Maryland;~~

26 ~~(ii) one representative from the credit card industry;~~

27 (ii) two representatives of the local law enforcement community;

28 (iii) three representatives of the banking or credit card industry;

29 (iv) one representative of the Maryland Retailers' Association;

30 ~~(iii)~~ (v) one representative from a consumer reporting agency;

1 ~~(iv)~~ (vi) one representative who is affiliated with a recognized
2 consumer group or agency in the State; and

3 ~~(v)~~ ~~one representative who is affiliated with a technology-related~~
4 ~~trade group or association in the State.~~

5 (vii) one representative from the Technology Council of Maryland.

6 (c) ~~(1)~~ The ~~President of the Senate~~ Governor shall designate ~~one of the~~
7 ~~members appointed from the Senate of Maryland as co-chairman~~ the chairman of the
8 Task Force.

9 ~~(2)~~ ~~The Speaker of the House shall designate one of the members~~
10 ~~appointed from the House of Delegates as co-chairman of the Task Force.~~

11 (d) The Department of ~~Legislative Services~~ Labor, Licensing and Regulation
12 shall provide staff for the Task Force.

13 (e) A member of the Task Force:

14 (1) may not receive compensation; but

15 (2) is entitled to reimbursement for expenses under the Standard State
16 Travel Regulations, as provided in the State budget.

17 (f) The Task Force shall:

18 (1) study:

19 (i) the problems associated with identity theft in Maryland,
20 including repairing one's credit history and the adequacy of current Maryland ~~law in~~
21 ~~detering criminal and civil laws for deterring, investigating, and prosecuting~~ identity
22 ~~theft; and~~

23 (ii) privacy laws in other states and at the federal level that address
24 identity theft;

25 (iii) ways of educating the public about identity theft; and

26 (iv) the effectiveness of government policies and practices in
27 detering and reducing identity theft;

28 (2) consult with:

29 (i) relevant federal agencies, including the Federal Trade
30 Commission and the Federal Bureau of Investigation;

31 (ii) relevant agencies in other states; and

32 (iii) other experts on identity theft; and

1 (3) make recommendations regarding possible ~~remedies to~~ solutions to
2 the problem of identity theft, addressing each of the study items listed in paragraph
3 (1) of this subsection, including statutory changes.

4 (g) The Task Force shall ~~report its findings and recommendations to the~~
5 ~~General Assembly on or before December 31, 2005 ;~~

6 (1) submit an interim report to the General Assembly on or before
7 December 31, 2004; and

8 (2) submit a final report including the findings and recommendations of
9 the Task Force to the General Assembly on or before December 31, 2005.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2004. It shall remain effective for a period of 1 year and 7 months and, at the
12 end of January 31, 2006, with no further action required by the General Assembly,
13 this Act shall be abrogated and of no further force and effect.