

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 571

(Senator Forehand)

Judicial Proceedings

Judiciary

---

**Criminal Law - Fictitious and Fraudulent Government Identification Documents -  
Prohibition**

---

This bill prohibits the possession or display, with fraudulent intent, of a fictitious or fraudulently altered government identification document.

---

**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 expenditures due to the bill's incarceration provision.

**Small Business Effect:** None.

---

**Analysis**

**Bill Summary:** The bill defines "government identification document" to mean one of the following documents issued by the U.S. government or any state or local government: (1) a passport; (2) an immigration visa; (3) an alien registration card; (4) an employment authorization card; (5) a birth certificate; (6) a Social Security card; (7) military identification; (8) an adoption decree; (9) a marriage license; (10) a driver's license; and (11) a photo identification card.

The bill provides that a person may not, with fraudulent intent:

- possess a fictitiously or fraudulently altered government identification document;

- display, cause, or allow to be displayed a fictitious or fraudulently altered government identification document;
- lend a government identification document to another or knowingly allow the use of the person's government identification document by another person; or
- display or represent as the person's own a government identification document that was not issued to the person.

A person who violates these provisions is guilty of a misdemeanor and is subject to and/or imprisonment for up to six months and/or a fine of up to \$500.

**Current Law:** A person may not willfully:

- make unauthorized use of an identification badge or identification card; or
- assist another in the unauthorized use of an identification badge or identification card.

These prohibitions apply to the following places or establishments that require an identification badge or card for entry:

- a unit of the State, a county or municipal corporation, special taxing district, or State public corporation;
- a person that owns or operates in the State:
  - a factory, warehouse, or a manufacturing, printing, publishing, mechanical, or mercantile establishment or a plant of any kind;
  - a mine or quarry;
  - a railway; or
  - a water, sewage, gas, electric, transmission, heating, refrigeration, telephone, or other publicly owned or public service company.

A person who violates these provisions is guilty of a misdemeanor and is subject to imprisonment for up to 90 days and/or a fine of up to \$500.

A person may not possess any fictitious or fraudulently altered license or display, cause, or permit to be displayed any fraudulently altered license. A person may not lend his or her driver's license to any other person or knowingly permit the use of the license by another person. A person may not display or represent as the person's own any license not issued to the person or permit any unlawful use of a license issued to the person. A violation of these provisions is a misdemeanor, subject to imprisonment for up to two months and/or a fine of up to \$500. A person charged with unlawful use of a license must appear in court.

**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.

Generally, 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 2005 are estimated to range from \$14 to \$58 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 \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$350 per month.

**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 \$29 to \$97 per inmate in fiscal 2005.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2004  
mh/jr Revised - Senate Third Reader - March 25, 2004

---

Analysis by: Karen D. Morgan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510