

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 908 (Senator Stone)
Judicial Proceedings

Criminal Procedure – Driver’s License Offenses - Statute of Limitations

This bill provides that a prosecution for unlawfully using a driver’s license or fraudulently using a false or fictitious name when applying for a driver’s license must be instituted within two years after the offense was committed or two years after the victim discovered the offense, whichever is later.

Fiscal Summary

State Effect: The bill could lead to additional prosecutions for certain driver’s license offenses, but is not expected to have a significant impact on judicial operations or finances.

Local Effect: Minimal – see above.

Small Business Effect: None.

Analysis

Current Law: A violation of the motor vehicle laws is a misdemeanor. Unless otherwise provided by law, a prosecution must be instituted within one year after the offense was committed.

A prosecution for unlawfully using a driver’s license or fraudulently using a false or fictitious name when applying for a driver’s license must be instituted within two years after the offense was committed.

Background: A victim of identity theft may not realize for some time that the victim's driver's license is being used unlawfully, or that another person used the victim's name when applying for a driver's license.

Identity theft is commonly regarded as one of the fastest growing crimes in the U.S. In 2003, the Federal Trade Commission (FTC) received 516,740 fraud and identity theft consumer complaints. In 2003, there were 214,905 identity theft reports and 301,835 fraud complaints. In 2002, the number of identity and fraud complaints received was 404,000.

However, not everyone reports identity theft to FTC. The Identity Theft Resource Center estimates that 7 million persons (nationwide) became victims of identity theft during 2002.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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