
By: **Montgomery County Delegation and Prince George's County
Delegation**

Introduced and read first time: February 3, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Park Police of the Maryland-National Capital Park and Planning**
3 **Commission - Investigatory Authority - Fraudulent Use of Personal**
4 **Identifying Information**
5 **MC/PG 130-05**

6 FOR the purpose of providing statewide jurisdiction for the Park Police of the
7 Maryland-National Capital Park and Planning Commission investigating the
8 crime of fraudulent use of personal identifying information; specifying certain
9 limitations on the authority of the Park Police; requiring that notification of a
10 crime of fraudulent use of personal identifying information occurring on certain
11 property be made to a certain chief of police; and generally relating to the
12 authority of the Park Police of the Maryland-National Capital Park and
13 Planning Commission.

14 BY repealing and reenacting, without amendments,
15 Article - Criminal Law
16 Section 8-301(b) and (c)
17 Annotated Code of Maryland
18 (2002 Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Criminal Law
21 Section 8-301(i) and (j)
22 Annotated Code of Maryland
23 (2002 Volume and 2004 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Criminal Law**

2 8-301.

3 (b) A person may not knowingly, willfully, and with fraudulent intent possess,
4 obtain, or help another to possess or obtain any personal identifying information of an
5 individual, without the consent of the individual, in order to use, sell, or transfer the
6 information to get a benefit, credit, good, service, or other thing of value in the name
7 of the individual.

8 (c) A person may not knowingly and willfully assume the identity of another:

9 (1) to avoid identification, apprehension, or prosecution for a crime; or

10 (2) with fraudulent intent to:

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

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

13 (i) (1) Notwithstanding any other law, a law enforcement officer of the
14 Maryland Transportation Authority Police, the Maryland Port Administration Police,
15 THE PARK POLICE OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
16 COMMISSION, or a municipal corporation or county may investigate violations of this
17 section throughout the State without any limitation as to jurisdiction and to the same
18 extent as a law enforcement officer of the Department of State Police.

19 (2) The authority granted in paragraph (1) of this subsection may be
20 exercised only in accordance with regulations that the Department of State Police
21 adopts.

22 (3) The regulations are not subject to Title 10, Subtitle 1 of the State
23 Government Article.

24 (4) The authority granted in paragraph (1) of this subsection may be
25 exercised only if an act related to the crime was committed in the investigating law
26 enforcement agency's jurisdiction or if the complaining witness resides in the
27 investigating law enforcement agency's jurisdiction.

28 (j) If action is taken under the authority granted in subsection (i) of this
29 section, notification of an investigation:

30 (1) in a municipal corporation, shall be made to the chief of police or
31 designee of the chief of police;

32 (2) in a county that has a county police department, shall be made to the
33 chief of police or designee of the chief of police;

34 (3) in a county without a police department, shall be made to the sheriff
35 or designee of the sheriff;

1 (4) in Baltimore City, shall be made to the Police Commissioner or the
2 Police Commissioner's designee; and

3 (5) on property owned, leased, or operated by or under the control of the
4 Maryland Transportation Authority, the Maryland Aviation Administration, THE
5 MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, or the Maryland
6 Port Administration, shall be made to the respective chief of police or the chief's
7 designee.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2005.