

UNOFFICIAL COPY OF SENATE BILL 43

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(5lr1012)

*ENROLLED BILL*  
*-- Judicial Proceedings/Judiciary --*

Introduced by ~~Senator Jones~~ Senators Jones, Britt, Conway, Exum, Forehand, Frosh, Garagiola, Giannetti, Gladden, Green, Grosfeld, Hughes, Kelley, Klausmeier, McFadden, Pinsky, Stone, and Teitelbaum

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

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 of the Task Force; providing for the  
6 staffing of the Task Force; prohibiting a member of the Task Force from  
7 receiving compensation for serving on the Task Force; authorizing a member of  
8 the Task Force to receive reimbursement for certain expenses; requiring a  
9 certain report on or before a certain date; providing for the termination of the  
10 Task Force; and generally relating to the Task Force to Study Identity Theft.

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

1 WHEREAS, Approximately 3,500 people in Maryland reported being victims of  
2 identity theft during 2002;

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

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

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

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That:

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

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

13 (1) ~~three~~ two members of the Senate of Maryland, appointed by the  
14 President of the Senate;

15 (2) three members of the House of Delegates, appointed by the Speaker  
16 of the House;

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

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

19 (5) the Commissioner of Financial Regulation;

20 ~~(6)~~ (7) *the Administrator of the Motor Vehicle Administration, or the*  
21 *Administrator's designee;*

22 ~~(6)~~ (7) the following members, appointed by the Governor:

23 (i) one representative of the Maryland State's Attorneys'  
24 Association;

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

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

27 (iv) one representative from a State-chartered commercial bank or  
28 a national banking association having with a branch office in the State; and

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

30 ~~(7)~~ (8) the following members appointed jointly by the President of the  
31 Senate and the Speaker of the House:

- 1 (i) one representative ~~who is a retailer in Maryland~~ from the retail  
 2 industry;
- 3 (ii) one representative from the credit card industry;
- 4 (iii) one representative from a consumer reporting agency;
- 5 (iv) ~~one representative who is~~ three representatives who are  
 6 affiliated with a recognized consumer group or agency in the State; and
- 7 (v) one representative who is affiliated with a technology-related  
 8 trade group or association in the State.

9 (c) (1) The President of the Senate shall designate one of the members  
 10 appointed from the Senate of Maryland as co-chairman of the Task Force.

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

13 (d) The Department of Legislative Services shall provide staff for the Task  
 14 Force.

15 (e) A member of the Task Force:

16 (1) may not receive compensation; but

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

19 (f) The Task Force shall:

20 (1) study:

21 (i) the problems associated with identity theft in Maryland,  
 22 including repairing one's credit history and the adequacy of current Maryland law in  
 23 deterring identity theft; ~~and~~

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

26 (iii) issues relating to restricting information that is provided on  
 27 consumer reports;

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)     ~~survey State agencies to determine compliance with federal and~~  
2 ~~State laws relating to the collection and use of Social Security numbers, including the~~  
3 ~~provisions of § 10-624 of the State Government Article and 5 U.S.C. § 552a of the~~  
4 ~~Federal Privacy Act State and federal laws relating to the collection and use of Social~~  
5 ~~Security numbers, including § 10-624 of the State Government Article and the Federal~~  
6 ~~Privacy Act of 1974, 5 U.S.C. § 552a; and~~

7           (⊕)   (4)     make recommendations regarding possible remedies to identity  
8 theft, including statutory changes.

9           (g)     The Task Force shall report its findings and recommendations to the  
10 General Assembly on or before December 31, 2006.

11       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 July 1, 2005. It shall remain effective for a period of 1 year and 7 months and, at the  
13 end of January 31, 2007, with no further action required by the General Assembly,  
14 this Act shall be abrogated and of no further force and effect.