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By: **Delegates Quinter, Lee, and Shank**  
 Introduced and read first time: February 9, 2006  
 Assigned to: Judiciary

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Committee Report: Favorable with amendments  
 House action: Adopted  
 Read second time: March 21, 2006

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## CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Identity Fraud Investigations - Notification - Motor Vehicle Administration**

3 FOR the purpose of requiring a law enforcement agency investigating a possible case  
 4 of identity fraud in which the victim's driver's license is alleged to have been  
 5 stolen to provide a certain notification to the Motor Vehicle Administration;  
 6 providing for the contents of certain notifications; requiring the Administration  
 7 to keep a record of a certain notification; requiring the Administration to record  
 8 certain information in its records regarding a certain driver's license on receipt  
 9 of a certain notification; requiring certain information provided under this Act to  
 10 be available to certain law enforcement officers under certain circumstances;  
 11 requiring a law enforcement agency to provide a certain notification to the  
 12 Administration at the conclusion of an identity fraud investigation; requiring  
 13 the Administration to remove certain information from its records on receipt of  
 14 a certain notification; requiring the Administration, in consultation with certain  
 15 law enforcement officers, to adopt regulations implementing the provisions of  
 16 this Act; providing for the construction of this Act; defining certain terms; and  
 17 generally relating to notification to the Motor Vehicle Administration of identity  
 18 fraud investigations.

19 BY repealing and reenacting, with amendments,  
 20 Article - Criminal Law  
 21 Section 8-301  
 22 Annotated Code of Maryland  
 23 (2002 Volume and 2005 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 (a) (1) In this section the following words have the meanings indicated.

4 (2) "Payment device number" has the meaning stated in § 8-213 of this  
5 title.6 (3) "Personal identifying information" means a name, address, telephone  
7 number, driver's license number, Social Security number, place of employment,  
8 employee identification number, mother's maiden name, bank or other financial  
9 institution account number, date of birth, personal identification number, credit card  
10 number, or other payment device number.11 (b) A person may not knowingly, willfully, and with fraudulent intent possess,  
12 obtain, or help another to possess or obtain any personal identifying information of an  
13 individual, without the consent of the individual, in order to use, sell, or transfer the  
14 information to get a benefit, credit, good, service, or other thing of value in the name  
15 of the individual.

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

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

18 (2) with fraudulent intent to:

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

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

21 (d) (1) A person who violates this section where the benefit, credit, good,  
22 service, or other thing of value that is the subject of subsection (b) or (c) of this section  
23 has a value of \$500 or greater is guilty of a felony and on conviction is subject to  
24 imprisonment not exceeding 5 years or a fine not exceeding \$25,000 or both.25 (2) A person who violates this section where the benefit, credit, good,  
26 service, or other thing of value that is the subject of subsection (b) or (c) of this section  
27 has a value of less than \$500 is guilty of a misdemeanor and on conviction is subject  
28 to imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both.29 (3) A person who violates this section under circumstances that  
30 reasonably indicate that the person's intent was to manufacture, distribute, or  
31 dispense another individual's personal identifying information without that  
32 individual's consent is guilty of a felony and on conviction is subject to imprisonment  
33 not exceeding 5 years or a fine not exceeding \$25,000 or both.34 (4) A person who violates subsection (c)(1) of this section is guilty of a  
35 misdemeanor and on conviction is subject to imprisonment not exceeding 18 months  
36 or a fine not exceeding \$5,000 or both.

1 (5) When the violation of this section is pursuant to one scheme or  
2 continuing course of conduct, whether from the same or several sources, the conduct  
3 may be considered as one violation and the value of the benefit, credit, good, service,  
4 or other thing of value may be aggregated in determining whether the violation is a  
5 felony or misdemeanor.

6 (e) A person described in subsection (d)(2) or (4) of this section is subject to §  
7 5-106(b) of the Courts Article.

8 (f) In addition to restitution under Title 11, Subtitle 6 of the Criminal  
9 Procedure Article, a court may order a person who pleads guilty or nolo contendere or  
10 who is found guilty under this section to make restitution to the victim for reasonable  
11 costs, including reasonable attorney's fees, incurred:

12 (1) for clearing the victim's credit history or credit rating; and

13 (2) in connection with a civil or administrative proceeding to satisfy a  
14 debt, lien, judgment, or other obligation of the victim that arose because of the  
15 violation.

16 (g) A sentence under this section may be imposed separate from and  
17 consecutive to or concurrent with a sentence for any crime based on the act or acts  
18 establishing the violation of this section.

19 (h) Notwithstanding any other law, the Department of State Police may  
20 initiate investigations and enforce this section throughout the State without regard to  
21 any limitation otherwise applicable to that department's activities in a municipal  
22 corporation or other political subdivision.

23 (i) (1) Notwithstanding any other law, a law enforcement officer of the  
24 Maryland Transportation Authority Police, the Maryland Port Administration Police,  
25 or a municipal corporation or county may investigate violations of this section  
26 throughout the State without any limitation as to jurisdiction and to the same extent  
27 as a law enforcement officer of the Department of State Police.

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

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

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

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

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

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

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

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

9 (5) on property owned, leased, or operated by or under the control of the  
10 Maryland Transportation Authority, the Maryland Aviation Administration, or the  
11 Maryland Port Administration, shall be made to the respective chief of police or the  
12 chief's designee.

13 (K) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
14 MEANINGS INDICATED.

15 (II) "ADMINISTRATION" MEANS THE MOTOR VEHICLE  
16 ADMINISTRATION.

17 (III) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §  
18 13-406.1(A)(2) OF THE TRANSPORTATION ARTICLE.

19 (IV) "PRINCIPAL LAW ENFORCEMENT OFFICER" HAS THE MEANING  
20 STATED IN § 13-406.1(A)(4) OF THE TRANSPORTATION ARTICLE.

21 (2) ~~THIS SUBSECTION APPLIES WHEN THE ALLEGED VICTIM OF A~~  
22 ~~VIOLATION OF SUBSECTION (B) OR (C) OF THIS SECTION:~~

23 ~~(I) POSSESSES A DRIVER'S LICENSE; AND~~

24 ~~(II) MAKES THE DRIVER'S LICENSE NUMBER AVAILABLE TO A LAW~~  
25 ~~ENFORCEMENT AGENCY INVESTIGATING THE ALLEGED VIOLATIONS OF~~  
26 ~~SUBSECTION (B) OR (C) OF THIS SECTION.~~

27 ~~(3) (I) A LAW ENFORCEMENT AGENCY INVESTIGATING A VIOLATION~~  
28 ~~OF SUBSECTION (B) OR (C) OF THIS SECTION IN WHICH THE VICTIM'S DRIVER'S~~  
29 ~~LICENSE IS ALLEGED TO HAVE BEEN STOLEN SHALL:~~

30 1. NOTIFY THE ADMINISTRATION OF THE INVESTIGATION;  
31 AND

32 2. KEEP A RECORD OF THE NOTIFICATION.

33 (II) THE NOTIFICATION REQUIRED UNDER THIS PARAGRAPH  
34 SHALL INCLUDE:

35 1. THE DATE THAT THE NOTIFICATION IS SENT;



1           (1)       in addition to any other immunities and exemptions to which the  
2 officer may be entitled, has the immunities from liability and exemptions accorded to  
3 a law enforcement officer of the Department of State Police; but

4           (2)       remains an employee of the officer's employing agency.

5    [(1)]   (M)    (1)       A State's Attorney or the Attorney General may investigate and  
6 prosecute a violation of this section or a violation of any crime based on the act  
7 establishing a violation of this section.

8           (2)       If the Attorney General exercises authority under paragraph (1) of  
9 this subsection, the Attorney General has all the powers and duties of a State's  
10 Attorney, including the use of a grand jury in any county or Baltimore City, to  
11 investigate and prosecute the violation.

12   [(m)]   (N)    Notwithstanding any other provision of law, the prosecution of a  
13 violation of this section or for a violation of any crime based on the act establishing a  
14 violation of this section may be commenced in any county in which:

15           (1)       an element of the crime occurred; or

16           (2)       the victim resides.

17   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2006.