
By: **Delegates Lee, Barkley, Bobo, Bronrott, DeBoy, Doory, Dumais,
Gilleland, Goldwater, Gutierrez, Healey, Hogan, James, Kaiser,
Madaleno, Mandel, McComas, McDonough, Menes, Montgomery,
Pendergrass, Petzold, Shewell, and Weir**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Disclosure of Social Security Numbers - Penalties**

3 FOR the purpose of prohibiting a person from intentionally communicating or
4 otherwise making available to the public the Social Security number of another;
5 prohibiting a person from printing the Social Security number of another on a
6 card required for the other person to access certain products or services;
7 prohibiting a person from requiring another to transmit the Social Security
8 number of the other person over the Internet under certain circumstances;
9 prohibiting a person from requiring another to use a Social Security number to
10 access an Internet website under certain circumstances; prohibiting a person
11 from printing the Social Security number of another person on materials that
12 are mailed to the other person under certain circumstances; prohibiting a person
13 from selling, leasing, lending, trading, renting, or otherwise disclosing the Social
14 Security number of another to a third party for any purpose without a certain
15 written consent; prohibiting a person from refusing to do business with another
16 because the other person will not provide a Social Security number except under
17 certain circumstances; providing that for purposes of this Act "person" includes
18 a public or private entity; establishing that this Act does not prevent a State or
19 local unit of government from using a Social Security number for certain
20 purposes; providing for certain civil penalties for a negligent violation of this
21 Act; providing certain criminal penalties for a knowing violation of this Act;
22 authorizing a certain civil action by a person aggrieved by a violation of this Act;
23 and generally relating to prohibition of certain disclosures of Social Security
24 numbers.

25 BY adding to

26 Article - Criminal Law

27 Section 8-305

28 Annotated Code of Maryland

29 (2002 Volume and 2005 Supplement)

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

3 **Article - Criminal Law**

4 8-305.

5 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON,
6 INCLUDING A PUBLIC OR PRIVATE ENTITY, MAY NOT:

7 (1) INTENTIONALLY COMMUNICATE OR OTHERWISE MAKE AVAILABLE
8 TO THE PUBLIC THE SOCIAL SECURITY NUMBER OF ANOTHER PERSON;

9 (2) PRINT THE SOCIAL SECURITY NUMBER OF ANOTHER PERSON ON A
10 CARD REQUIRED FOR THE OTHER PERSON TO ACCESS PRODUCTS OR SERVICES
11 PROVIDED BY THE PERSON;

12 (3) REQUIRE ANOTHER PERSON TO TRANSMIT THE SOCIAL SECURITY
13 NUMBER OF THE OTHER PERSON OVER THE INTERNET, UNLESS THE CONNECTION IS
14 SECURE OR THE SOCIAL SECURITY NUMBER IS ENCRYPTED;

15 (4) REQUIRE ANOTHER PERSON TO USE A SOCIAL SECURITY NUMBER TO
16 ACCESS AN INTERNET WEBSITE, UNLESS A PASSWORD OR UNIQUE PERSONAL
17 IDENTIFICATION NUMBER OR OTHER AUTHENTICATION DEVICE IS ALSO REQUIRED
18 TO ACCESS THE INTERNET WEBSITE;

19 (5) PRINT THE SOCIAL SECURITY NUMBER OF ANOTHER PERSON ON
20 MATERIALS THAT ARE MAILED TO THE OTHER PERSON, UNLESS STATE OR FEDERAL
21 LAW REQUIRES THE SOCIAL SECURITY NUMBER TO BE ON THE DOCUMENT TO BE
22 MAILED;

23 (6) SELL, LEASE, LEND, TRADE, RENT, OR OTHERWISE DISCLOSE THE
24 SOCIAL SECURITY NUMBER OF ANOTHER PERSON TO A THIRD PARTY FOR ANY
25 PURPOSE WITHOUT WRITTEN CONSENT TO THE DISCLOSURE FROM THE OTHER
26 PERSON; OR

27 (7) EXCEPT AS PROVIDED IN SUBSECTION (B)(1) OF THIS SECTION,
28 REFUSE TO DO BUSINESS WITH ANOTHER PERSON BECAUSE THE OTHER PERSON
29 WILL NOT CONSENT TO PROVIDE A SOCIAL SECURITY NUMBER.

30 (B) (1) SUBSECTION (A)(7) OF THIS SECTION DOES NOT APPLY TO A REFUSAL
31 TO DO BUSINESS BY A PERSON EXPRESSLY REQUIRED UNDER STATE OR FEDERAL
32 LAW, IN CONNECTION WITH DOING BUSINESS WITH ANOTHER PERSON, TO SUBMIT
33 TO THE STATE OR FEDERAL GOVERNMENT, AS APPLICABLE, THE SOCIAL SECURITY
34 NUMBER OF THAT OTHER PERSON.

35 (2) NOTHING IN THIS SECTION SHALL PREVENT A STATE OR LOCAL UNIT
36 OF GOVERNMENT FROM USING A SOCIAL SECURITY NUMBER FOR INTERNAL
37 VERIFICATION AND ADMINISTRATIVE PURPOSES, SO LONG AS THE USE DOES NOT
38 RESULT IN, OR REQUIRE THE RELEASE OF, THE SOCIAL SECURITY NUMBER TO

1 PERSONS NOT DESIGNATED BY THE UNIT TO PERFORM ASSOCIATED FUNCTIONS
2 AUTHORIZED BY LAW.

3 (C) A PERSON WHO NEGLIGENTLY VIOLATES THIS SECTION SHALL BE LIABLE
4 FOR A CIVIL PENALTY NOT TO EXCEED \$3,000 FOR EACH VIOLATION.

5 (D) ANY PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A
6 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
7 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

8 (E) A PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION MAY BRING A
9 CIVIL ACTION AGAINST THE VIOLATOR FOR RECOVERY OF ACTUAL DAMAGES OR
10 \$5,000, WHICHEVER IS GREATER, PLUS REASONABLE ATTORNEY'S FEES AND COURT
11 COSTS.

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