

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

Introduced by ~~Delegate Zirkin~~ Delegates Zirkin, Lee, Barkley, Bronrott, Cadden, DeBoy, Doory, Dumais, Gilleland, Glassman, Goldwater, Gutierrez, Healey, Hogan, James, Kaiser, Madaleno, McComas, Menes, Montgomery, Petzold, Quinter, Shank, Shewell, Sophocleus, and Weir

Read and Examined by Proofreaders:

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

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Proofreader.

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

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law - Identity Theft Passports**

3 FOR the purpose of authorizing a person who knows or reasonably suspects that the  
4 person is a victim of identity fraud and has filed a certain report to apply for an  
5 identity theft passport; requiring a law enforcement agency that receives an  
6 identity theft passport application to submit the application and a copy of a  
7 certain report to the Attorney General for certain purposes; authorizing the  
8 Attorney General, in cooperation with a law enforcement agency, to issue an  
9 identity theft passport to a person who is a victim of identity fraud; prohibiting  
10 the Attorney General from issuing an identity theft passport before taking a  
11 certain action; authorizing a person to present an identity theft passport to a  
12 law enforcement agency or creditor for certain purposes; providing that a law  
13 enforcement agency or creditor has sole discretion in accepting or rejecting an  
14 identity theft passport; providing that an application for an identity theft

1 passport, including any supporting documentation, is not a public record and  
2 may not be released except under certain circumstances; requiring the Attorney  
3 General to adopt certain regulations; defining certain terms; making this Act  
4 subject to a certain contingency; and generally relating to identity theft  
5 passports.

6 BY adding to  
7 Article - Criminal Law  
8 Section 8-305  
9 Annotated Code of Maryland  
10 (2002 Volume and 2005 Supplement)

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

13 **Article - Criminal Law**

14 8-305.

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
16 INDICATED.

17 (2) "IDENTITY FRAUD" MEANS A VIOLATION OF § 8-301 OF THIS  
18 SUBTITLE.

19 (3) "IDENTITY THEFT PASSPORT" MEANS A CARD OR CERTIFICATE  
20 ISSUED BY THE ATTORNEY GENERAL THAT VERIFIES THE IDENTITY OF THE PERSON  
21 WHO IS A VICTIM OF IDENTITY FRAUD.

22 (B) A PERSON WHO KNOWS OR REASONABLY SUSPECTS THAT THE PERSON IS  
23 A VICTIM OF IDENTITY FRAUD AND HAS FILED A REPORT UNDER § 8-304 OF THIS  
24 SUBTITLE MAY APPLY FOR AN IDENTITY THEFT PASSPORT THROUGH A LAW  
25 ENFORCEMENT AGENCY.

26 (C) A LAW ENFORCEMENT AGENCY THAT RECEIVES AN APPLICATION FOR AN  
27 IDENTITY THEFT PASSPORT SHALL SUBMIT THE APPLICATION AND A COPY OF THE  
28 REPORT FILED UNDER § 8-304 OF THIS SUBTITLE TO THE ATTORNEY GENERAL FOR  
29 PROCESSING AND ISSUANCE OF AN IDENTITY THEFT PASSPORT.

30 (D) (1) THE ATTORNEY GENERAL, IN COOPERATION WITH A LAW  
31 ENFORCEMENT AGENCY, MAY ISSUE AN IDENTITY THEFT PASSPORT TO A PERSON  
32 WHO IS A VICTIM OF IDENTITY FRAUD.

33 (2) THE ATTORNEY GENERAL MAY NOT ISSUE AN IDENTITY THEFT  
34 PASSPORT TO A PERSON BEFORE COMPLETING A BACKGROUND CHECK ON THE  
35 PERSON.

1 (E) A PERSON WHO IS ISSUED AN IDENTITY THEFT PASSPORT UNDER  
2 SUBSECTION (D) OF THIS SECTION MAY PRESENT THE IDENTITY THEFT PASSPORT  
3 TO:

4 (1) A LAW ENFORCEMENT AGENCY TO HELP PREVENT THE ARREST OR  
5 DETENTION OF THE PERSON FOR AN OFFENSE COMMITTED BY ANOTHER USING THE  
6 PERSON'S PERSONAL IDENTIFYING INFORMATION; OR

7 (2) A CREDITOR TO AID IN THE INVESTIGATION OF:

8 (I) A FRAUDULENT ACCOUNT THAT IS OPENED IN THE PERSON'S  
9 NAME; OR

10 (II) A FRAUDULENT CHARGE THAT IS MADE AGAINST AN ACCOUNT  
11 OF THE PERSON.

12 (F) (1) A LAW ENFORCEMENT AGENCY OR CREDITOR THAT IS PRESENTED  
13 WITH AN IDENTITY THEFT PASSPORT UNDER SUBSECTION (E) OF THIS SECTION HAS  
14 SOLE DISCRETION TO ACCEPT OR REJECT THE IDENTITY THEFT PASSPORT.

15 (2) IN DETERMINING WHETHER TO ACCEPT OR REJECT THE IDENTITY  
16 THEFT PASSPORT, THE LAW ENFORCEMENT AGENCY OR CREDITOR MAY CONSIDER  
17 THE SURROUNDING CIRCUMSTANCES AND AVAILABLE INFORMATION REGARDING  
18 THE OFFENSE OF IDENTITY FRAUD AGAINST THE PERSON.

19 (G) AN APPLICATION FOR AN IDENTITY THEFT PASSPORT SUBMITTED UNDER  
20 THIS SECTION, INCLUDING ANY SUPPORTING DOCUMENTATION:

21 (1) IS NOT A PUBLIC RECORD; AND

22 (2) MAY NOT BE RELEASED EXCEPT TO A LAW ENFORCEMENT AGENCY  
23 IN THIS OR ANOTHER STATE.

24 (H) THE ATTORNEY GENERAL SHALL ADOPT REGULATIONS TO CARRY OUT  
25 THE PROVISIONS OF THIS SECTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2006, contingent on the appropriation of sufficient funds in the State budget  
28 for fiscal year 2008 for the Office of the Attorney General to perform the functions set  
29 forth in this Act, and if funds are not appropriated in the fiscal 2008 State budget to  
30 the Office of the Attorney General for the purpose of implementing this Act, this Act  
31 shall be null and void without the necessity of further action by the General Assembly.

