
By: **Delegate Zirkin**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

A BILL ENTITLED

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
15 passport, including any supporting documentation, is not a public record and
16 may not be released except under certain circumstances; requiring the Attorney
17 General to adopt certain regulations; defining certain terms; and generally
18 relating to identity theft passports.

19 BY adding to
20 Article - Criminal Law
21 Section 8-305
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:

26 **Article - Criminal Law**

27 8-305.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

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

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

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

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

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

17 (2) THE ATTORNEY GENERAL MAY NOT ISSUE AN IDENTITY THEFT
18 PASSPORT TO A PERSON BEFORE COMPLETING A BACKGROUND CHECK ON THE
19 PERSON.

20 (E) A PERSON WHO IS ISSUED AN IDENTITY THEFT PASSPORT UNDER
21 SUBSECTION (D) OF THIS SECTION MAY PRESENT THE IDENTITY THEFT PASSPORT
22 TO:

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

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

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

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

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

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

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

3 (1) IS NOT A PUBLIC RECORD; AND

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

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

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