
By: **Delegates Quinter and Lee**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Fraudulent Use of Internet to Obtain Identifying Information -**
3 **Penalties**

4 FOR the purpose of prohibiting a person, by means of a web page, electronic mail
5 message, or other use of the Internet, with intent to defraud, from soliciting,
6 requesting, or taking action to induce another person to provide certain
7 identifying information by misrepresenting oneself, either directly or by
8 implication, to be a business without the authority or approval of the business;
9 establishing certain penalties for a violation of this Act; authorizing the
10 Attorney General to bring a certain action against a person who violates this
11 Act; authorizing a person engaged in the business of providing Internet access
12 service to the public or an owner of a web page or trademark that is adversely
13 affected by a violation of this Act to bring a certain action against a person who
14 violates this Act; authorizing a court to award a certain amount of fines or
15 damages in a certain action against a person who violates this Act; authorizing
16 a court to award costs, and reasonable attorney's fees in a certain action against
17 a person who violates this Act; defining certain terms; and generally relating to
18 a prohibition against the fraudulent use of the Internet to obtain certain
19 identifying information.

20 BY adding to
21 Article - Criminal Law
22 Section 3-805.2
23 Annotated Code of Maryland
24 (2002 Volume and 2005 Supplement)

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

27 **Article - Criminal Law**

28 3-805.2.

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

1 (2) "ELECTRONIC MAIL MESSAGE" MEANS A COMMUNICATION SENT TO
2 A UNIQUE DESTINATION, COMMONLY EXPRESSED AS A STRING OF CHARACTERS
3 THAT MAY OR MAY NOT BE DISPLAYED, CONSISTING OF A UNIQUE USER NAME OR
4 MAILBOX, COMMONLY REFERRED TO AS THE "LOCAL PART", AND A REFERENCE TO
5 AN INTERNET DOMAIN, COMMONLY REFERRED TO AS THE "DOMAIN PART".

6 (3) "IDENTIFYING INFORMATION" MEANS AN INDIVIDUAL'S:

7 (I) SOCIAL SECURITY NUMBER;

8 (II) DRIVER'S LICENSE NUMBER;

9 (III) BANK ACCOUNT NUMBER;

10 (IV) CREDIT OR DEBIT CARD NUMBER;

11 (V) PERSONAL IDENTIFICATION NUMBER (PIN);

12 (VI) AUTOMATED OR ELECTRONIC SIGNATURE;

13 (VII) UNIQUE BIOMETRIC DATA;

14 (VIII) ACCOUNT PASSWORD; OR

15 (IX) OTHER INFORMATION THAT CAN BE USED TO ACCESS THE
16 INDIVIDUAL'S FINANCIAL ACCOUNTS OR TO OBTAIN GOODS OR SERVICES.

17 (4) "INTERNET" HAS THE MEANING STATED IN § 3-805.1 OF THIS
18 SUBTITLE.

19 (5) "WEB PAGE" MEANS A DOCUMENT, FILE, OR LOCATION ON THE
20 WORLD WIDE WEB THAT HAS A SINGLE UNIFORM RESOURCE LOCATOR OR OTHER
21 SINGLE LOCATION.

22 (B) A PERSON MAY NOT, BY MEANS OF A WEB PAGE, ELECTRONIC MAIL
23 MESSAGE, OR OTHER USE OF THE INTERNET, WITH INTENT TO DEFRAUD, SOLICIT,
24 REQUEST, OR TAKE ACTION TO INDUCE ANOTHER PERSON TO PROVIDE IDENTIFYING
25 INFORMATION BY MISREPRESENTING ONESELF, EITHER DIRECTLY OR BY
26 IMPLICATION, TO BE A BUSINESS WITHOUT THE AUTHORITY OR APPROVAL OF THE
27 BUSINESS.

28 (C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF
29 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
30 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

31 (D) THE ATTORNEY GENERAL MAY BRING AN ACTION AGAINST A PERSON
32 WHO VIOLATES SUBSECTION (B) OF THIS SECTION TO:

33 (1) ENJOIN FURTHER VIOLATIONS; AND

1 (2) RECOVER A FINE NOT EXCEEDING \$500 FOR EACH SEPARATE
2 VIOLATION.

3 (E) A PERSON ENGAGED IN THE BUSINESS OF PROVIDING INTERNET ACCESS
4 SERVICE TO THE PUBLIC OR AN OWNER OF A WEB PAGE OR TRADEMARK THAT IS
5 ADVERSELY AFFECTED BY REASON OF A VIOLATION OF SUBSECTION (B) OF THIS
6 SECTION MAY BRING AN ACTION AGAINST A PERSON WHO VIOLATES SUBSECTION (B)
7 OF THIS SECTION TO:

8 (1) ENJOIN FURTHER VIOLATIONS; AND

9 (2) RECOVER ACTUAL DAMAGES.

10 (F) IN AN ACTION UNDER SUBSECTION (D) OR (E) OF THIS SECTION, THE
11 COURT MAY AWARD:

12 (1) UP TO THREE TIMES THE AMOUNT OF THE FINE OR DAMAGES
13 AUTHORIZED UNDER SUBSECTION (D) OR (E) OF THIS SECTION IF THE COURT FINDS
14 THAT THE DEFENDANT HAS ENGAGED IN A PATTERN OR PRACTICE OF VIOLATING
15 THE PROVISIONS OF THIS SECTION; AND

16 (2) COSTS AND REASONABLE ATTORNEY'S FEES TO THE PREVAILING
17 PARTY.

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