

# HOUSE BILL 26

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EMERGENCY BILL

71r0382

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By: **Delegates Lee, Barkley, Goldwater, Kaiser, McComas, Mizeur, and Niemann**

Introduced and read first time: January 15, 2007

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Identity Theft**

3 FOR the purpose of altering a date by which the Task Force to Study Identity Theft is  
4 required to make a certain report; providing for an alternate date for the  
5 termination of the Task Force; making this Act an emergency measure; and  
6 generally relating to the Task Force to Study Identity Theft.

7 BY repealing and reenacting, with amendments,  
8 Chapter 241 of the Acts of the General Assembly of 2005  
9 Section 1 and 2

10 BY repealing and reenacting, with amendments,  
11 Chapter 242 of the Acts of the General Assembly of 2005  
12 Section 1 and 2

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

15 **Chapter 241 of the Acts of 2005**

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) There is a Task Force to Study Identity Theft.

2 (b) The Task Force consists of the following members:

3 (1) two members of the Senate of Maryland, appointed by the  
4 President of the Senate;

5 (2) three members of the House of Delegates, appointed by the  
6 Speaker of the House;

7 (3) the Attorney General, or the Attorney General's designee;

8 (4) the Superintendent of State Police, or the Superintendent's  
9 designee;

10 (5) the Commissioner of Financial Regulation;

11 (6) the Administrator of the Motor Vehicle Administration, or the  
12 Administrator's designee;

13 (7) the following members, appointed by the Governor:

14 (i) one representative of the Maryland State's Attorneys'  
15 Association;

16 (ii) one representative of the Maryland Chiefs of Police  
17 Association;

18 (iii) one representative of the Maryland Sheriffs' Association;

19 (iv) one representative of a State-chartered commercial bank or  
20 a national banking association with a branch office in the State; and

21 (v) one representative of a State-chartered credit union; **AND**

22 (8) the following members appointed jointly by the President of the  
23 Senate and the Speaker of the House:

24 (i) one representative from the retail industry;

25 (ii) one representative from the credit card industry;

26 (iii) one representative from a consumer reporting agency;

1 (iv) three representatives who are affiliated with a recognized  
2 consumer group or agency in the State; and

3 (v) one representative who is affiliated with a  
4 technology-related trade group or association in the State.

5 (c) (1) The President of the Senate shall designate one of the members  
6 appointed from the Senate of Maryland as co-chairman of the Task Force.

7 (2) The Speaker of the House shall designate one of the members  
8 appointed from the House of Delegates as co-chairman of the Task Force.

9 (d) The Department of Legislative Services shall provide staff for the Task  
10 Force.

11 (e) A member of the Task Force:

12 (1) may not receive compensation; but

13 (2) is entitled to reimbursement for expenses under the Standard  
14 State Travel Regulations, as provided in the State budget.

15 (f) The Task Force shall:

16 (1) study:

17 (i) the problems associated with identity theft in Maryland,  
18 including repairing one's credit history and the adequacy of current Maryland law in  
19 deterring identity theft; and

20 (ii) privacy laws in other states and at the federal level that  
21 address identity theft;

22 (2) consult with:

23 (i) relevant federal agencies, including the Federal Trade  
24 Commission and the Federal Bureau of Investigation;

25 (ii) relevant agencies in other states; and

26 (iii) other experts on identity theft;

1 (3) survey State agencies to determine compliance with State and  
2 federal laws relating to the collection and use of Social Security numbers, including  
3 § 10-624 of the State Government Article and the Federal Privacy Act of 1974, 5  
4 U.S.C. § 552a; and

5 (4) make recommendations regarding possible remedies to identity  
6 theft, including statutory changes.

7 (g) The Task Force shall report its findings and recommendations to the  
8 General Assembly on or before December 31, [2006] **2007**.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 July 1, 2005. It shall remain effective for a period of [1 year] **2 YEARS** and 7 months  
11 and, at the end of January 31, [2007] **2008**, with no further action required by the  
12 General Assembly, this Act shall be abrogated and of no further force and effect.

### 13 Chapter 242 of the Acts of 2005

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That:

16 (a) There is a Task Force to Study Identity Theft.

17 (b) The Task Force consists of the following members:

18 (1) two members of the Senate of Maryland, appointed by the  
19 President of the Senate;

20 (2) three members of the House of Delegates, appointed by the  
21 Speaker of the House;

22 (3) the Attorney General, or the Attorney General's designee;

23 (4) the Superintendent of State Police, or the Superintendent's  
24 designee;

25 (5) the Commissioner of Financial Regulation;

26 (6) the Administrator of the Motor Vehicle Administration, or the  
27 Administrator's designee;

28 (7) the following members, appointed by the Governor:

1 (i) one representative of the Maryland State's Attorneys'  
2 Association;

3 (ii) one representative of the Maryland Chiefs of Police  
4 Association;

5 (iii) one representative of the Maryland Sheriffs' Association;

6 (iv) one representative from a State-chartered commercial bank  
7 or a national banking association with a branch office in the State; and

8 (v) one representative of a State-chartered credit union; and

9 (8) the following members appointed jointly by the President of the  
10 Senate and the Speaker of the House:

11 (i) one representative from the retail industry;

12 (ii) one representative from the credit card industry;

13 (iii) one representative from a consumer reporting agency;

14 (iv) three representatives who are affiliated with a recognized  
15 consumer group or agency in the State; and

16 (v) one representative who is affiliated with a  
17 technology-related trade group or association in the State.

18 (c) (1) The President of the Senate shall designate one of the members  
19 appointed from the Senate of Maryland as co-chairman of the Task Force.

20 (2) The Speaker of the House shall designate one of the members  
21 appointed from the House of Delegates as co-chairman of the Task Force.

22 (d) The Department of Legislative Services shall provide staff for the Task  
23 Force.

24 (e) A member of the Task Force:

25 (1) may not receive compensation; but

1           (2) is entitled to reimbursement for expenses under the Standard  
2 State Travel Regulations, as provided in the State budget.

3           (f) The Task Force shall:

4           (1) study:

5                   (i) the problems associated with identity theft in Maryland,  
6 including repairing one's credit history and the adequacy of current Maryland law in  
7 deterring identity theft;

8                   (ii) privacy laws in other states and at the federal level that  
9 address identity theft; and

10                   (iii) issues relating to restricting information that is provided on  
11 consumer reports;

12           (2) consult with:

13                   (i) relevant federal agencies, including the Federal Trade  
14 Commission and the Federal Bureau of Investigation;

15                   (ii) relevant agencies in other states; and

16                   (iii) other experts on identity theft;

17           (3) survey State agencies to determine compliance with State and  
18 federal laws relating to the collection and use of Social Security numbers, including  
19 § 10-624 of the State Government Article and the Federal Privacy Act of 1974, 5  
20 U.S.C. § 552a; and

21           (4) make recommendations regarding possible remedies to identity  
22 theft, including statutory changes.

23           (g) The Task Force shall report its findings and recommendations to the  
24 General Assembly on or before December 31, [2006] **2007**.

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 July 1, 2005. It shall remain effective for a period of [1 year] **2 YEARS** and 7 months  
27 and, at the end of January 31, [2007] **2008**, with no further action required by the  
28 General Assembly, this Act shall be abrogated and of no further force and effect.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
2 measure, is necessary for the immediate preservation of the public health or safety,  
3 has been passed by a yea and nay vote supported by three-fifths of all the members  
4 elected to each of the two Houses of the General Assembly, and shall take effect from  
5 the date it is enacted.