

SENATE BILL 70

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EMERGENCY BILL

71r0628
CF HB 26

By: **Senators Jones, Forehand, Kelley, and Stone**
Introduced and read first time: January 19, 2007
Assigned to: Judicial Proceedings

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:

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (2) three members of the House of Delegates, appointed by the
4 Speaker of the House;

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

6 (4) the Superintendent of State Police, or the Superintendent's
7 designee;

8 (5) the Commissioner of Financial Regulation;

9 (6) the Administrator of the Motor Vehicle Administration, or the
10 Administrator's designee;

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

12 (i) one representative of the Maryland State's Attorneys'
13 Association;

14 (ii) one representative of the Maryland Chiefs of Police
15 Association;

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

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

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

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

22 (i) one representative from the retail industry;

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

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

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

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

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

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

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

9 (e) A member of the Task Force:

10 (1) may not receive compensation; but

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

13 (f) The Task Force shall:

14 (1) study:

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

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

20 (2) consult with:

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

23 (ii) relevant agencies in other states; and

24 (iii) other experts on identity theft;

25 (3) survey State agencies to determine compliance with State and
26 federal laws relating to the collection and use of Social Security numbers, including

1 § 10–624 of the State Government Article and the Federal Privacy Act of 1974, 5
2 U.S.C. § 552a; and

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

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

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

11 **Chapter 242 of the Acts of 2005**

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That:

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

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

16 (1) two members of the Senate of Maryland, appointed by the
17 President of the Senate;

18 (2) three members of the House of Delegates, appointed by the
19 Speaker of the House;

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

21 (4) the Superintendent of State Police, or the Superintendent's
22 designee;

23 (5) the Commissioner of Financial Regulation;

24 (6) the Administrator of the Motor Vehicle Administration, or the
25 Administrator's designee;

26 (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

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

1 (f) The Task Force shall:

2 (1) study:

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

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

8 (iii) issues relating to restricting information that is provided on
9 consumer reports;

10 (2) consult with:

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

13 (ii) relevant agencies in other states; and

14 (iii) other experts on identity theft;

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
28 measure, is necessary for the immediate preservation of the public health or safety,

1 has been passed by a yea and nay vote supported by three-fifths of all the members
2 elected to each of the two Houses of the General Assembly, and shall take effect from
3 the date it is enacted.