

HOUSE BILL 566

E1

9lr0512

By: **Delegates Kramer, Kelly, McComas, Ramirez, Shank, Smigiel, and Valderrama**

Introduced and read first time: February 6, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Identity Fraud and Credit Card Crimes Against the Elderly**
3 **or Persons with a Disability**

4 FOR the purpose of prohibiting a person from committing certain identity fraud or
5 credit card offenses against a person who is at least a certain age or a person
6 with a certain disability; establishing a certain penalty; providing that a
7 conviction under this Act does not merge with a conviction for a certain
8 underlying offense; providing that a sentence imposed for a violation of this Act
9 is to be consecutive to and not concurrent with any other sentence imposed for
10 certain crimes; and generally relating to crimes against the elderly or persons
11 with a disability.

12 BY adding to

13 Article – Criminal Law
14 Section 10–801 to be under the new subtitle “Subtitle 8. Crimes Against the
15 Elderly or Persons with a Disability”
16 Annotated Code of Maryland
17 (2002 Volume and 2008 Supplement)

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

20 **Article – Criminal Law**

21 **SUBTITLE 8. CRIMES AGAINST THE ELDERLY OR PERSONS WITH A DISABILITY.**
22 **10–801.**

23 (A) (1) IN THIS SECTION, “PERSON WITH A DISABILITY” MEANS A
24 PERSON WHO BY REASON OF A PREEXISTING MEDICALLY DETERMINABLE

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PHYSICAL OR MENTAL IMPAIRMENT IS SUBSTANTIALLY INCAPABLE OF
2 EXERCISING NORMAL PHYSICAL OR MENTAL POWER OF RESISTANCE.

3 (2) "PERSON WITH A DISABILITY" INCLUDES A PERSON
4 DETERMINED TO BE DISABLED IN ACCORDANCE WITH THE FEDERAL SOCIAL
5 SECURITY ACT OR ANOTHER GOVERNMENTAL RETIREMENT OR BENEFITS
6 PROGRAM THAT USES SUBSTANTIALLY THE SAME CRITERIA FOR DETERMINING
7 ELIGIBILITY.

8 (B) A PERSON MAY NOT COMMIT A VIOLATION OF ANY OF THE
9 FOLLOWING OFFENSES AGAINST A PERSON AT LEAST 68 YEARS OLD OR A
10 PERSON WITH A DISABILITY:

11 (1) A CREDIT CARD OFFENSE UNDER § 8-203, § 8-204, § 8-206,
12 OR § 8-209 OF THIS ARTICLE; OR

13 (2) IDENTITY FRAUD.

14 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
15 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
16 EXCEEDING 50% OF THE MAXIMUM SENTENCE PROVIDED FOR THE COMMISSION
17 OF THE OFFENSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

18 (D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
19 CONVICTION UNDER THIS SECTION DOES NOT MERGE WITH A CONVICTION FOR
20 THE UNDERLYING OFFENSE ON WHICH THE VIOLATION OF THIS SECTION IS
21 BASED.

22 (2) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE
23 CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED
24 FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS
25 SECTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2009.