

# HOUSE BILL 1087

E1

9lr2454

---

By: **Delegates Lee, Ali, Boteler, Cane, Carr, DeBoy, Dumais, Hecht, Howard, Kipke, Krebs, Levy, McComas, McDonough, Robinson, Shewell, Stocksdale, F. Turner, Valderrama, and Walkup**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Identity Theft Against Minors - Penalties**

3 FOR the purpose of establishing that a person who violates the prohibition against  
4 identity fraud under circumstances that reasonably indicate that the person  
5 knew or should have known that the victim was a minor is guilty of a felony;  
6 providing penalties; and generally relating to identity fraud against minors.

7 BY repealing and reenacting, without amendments,  
8 Article - Criminal Law  
9 Section 8-301(b) and (c)  
10 Annotated Code of Maryland  
11 (2002 Volume and 2008 Supplement)

12 BY adding to  
13 Article - Criminal Law  
14 Section 8-301(g)(4)  
15 Annotated Code of Maryland  
16 (2002 Volume and 2008 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Criminal Law  
19 Section 8-301(g)(4) and (5)  
20 Annotated Code of Maryland  
21 (2002 Volume and 2008 Supplement)

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

24 **Article - Criminal Law**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-301.

2 (b) A person may not knowingly, willfully, and with fraudulent intent  
3 possess, obtain, or help another to possess or obtain any personal identifying  
4 information of an individual, without the consent of the individual, in order to use,  
5 sell, or transfer the information to get a benefit, credit, good, service, or other thing of  
6 value in the name of the individual.

7 (c) A person may not knowingly and willfully assume the identity of another:

8 (1) to avoid identification, apprehension, or prosecution for a crime; or

9 (2) with fraudulent intent to:

10 (i) get a benefit, credit, good, service, or other thing of value; or

11 (ii) avoid the payment of debt or other legal obligation.

12 (g) **(4) A PERSON WHO VIOLATES THIS SECTION UNDER**  
13 **CIRCUMSTANCES THAT REASONABLY INDICATE THAT THE PERSON KNEW OR**  
14 **SHOULD HAVE KNOWN THAT THE VICTIM WAS A MINOR IS GUILTY OF A FELONY**  
15 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS**  
16 **OR A FINE NOT EXCEEDING \$50,000 OR BOTH.**

17 **[(4)] (5)** A person who violates subsection (c)(1), (e), or (f) of this  
18 section is guilty of a misdemeanor and on conviction is subject to imprisonment not  
19 exceeding 18 months or a fine not exceeding \$5,000 or both.

20 **[(5)] (6)** When the violation of this section is pursuant to one scheme  
21 or continuing course of conduct, whether from the same or several sources, the conduct  
22 may be considered as one violation and the value of the benefit, credit, good, service, or  
23 other thing of value may be aggregated in determining whether the violation is a  
24 felony or misdemeanor.

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