

HOUSE BILL 1087

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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

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:

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.