

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 680 (Senator Harrington)
Judicial Proceedings

Criminal Law - Simulated Census Documents - Prohibition

This bill prohibits a person from using, sending, or delivering documents meant to simulate federal census documents with the intent to: (1) collect personal data or information about an individual; or (2) encourage, solicit, or receive contributions of money for an organization or person. The prohibition applies to (1) documents that simulate an official letter, survey, or questionnaire relating to the decennial census of the United States; or (2) documents that imply that the person is a part of or associated with a unit of government. The bill also prohibits a person from using a logo, seal, insignia, or envelope of a governmental unit or any other form that simulates those items.

Violators are guilty of a misdemeanor, with maximum penalties of \$500 for a first violation and \$1,000 for each subsequent violation.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues as a result of the bill's penalties.

Local Effect: None. The bill is not expected to materially affect local finances.

Small Business Effect: None.

Analysis

Bill Summary: Proof that the document was mailed or delivered to any person with the intent that it be forwarded to the intended recipient is sufficient proof of sending the document. Even if the simulated document contains a statement that is not a government document, the prohibition applies. A person charged with the misdemeanor may be prosecuted in the county where the simulated document was used, sold, sent, or delivered.

Current Law: State law prohibits a person from using, selling, sending or delivering a document that (1) simulates a summons, complaint, or other court process of any kind; or (2) implies that the person is a part of or associated with a unit of the federal government or a unit of the State or a county or municipal government with the intent to induce the payment of a claim. The prohibition applies even if the document contains a statement that it is not legal process or a government document. A person is also prohibited from using a seal, insignia, envelope, or any other form that simulates those items with the intent to induce the payment of a claim.

Violators are guilty of a misdemeanor use of simulated documents to induce payment and are subject to maximum penalties of \$100 for the first violation and \$500 for each subsequent violation. Proof that the document was mailed or delivered to any person with the intent that it be forwarded to the intended recipient is sufficient proof of sending.

A person may not counterfeit, cause to be counterfeited, or willingly aid or assist in the counterfeiting of a court document or a public security from which money may be drawn from the treasury of the State. A person is also prohibited from writing, signing, or possessing a counterfeit court document or public security from which money may be drawn from the treasury of the State. Violators are guilty of a felony counterfeiting of public documents and are subject to imprisonment for at least 2 years and up to 10 years.

A person may not (1) counterfeit and use a public seal; (2) steal a public seal; (3) unlawfully and falsely, or with evil intent, affix a public seal to a deed, warrant, or writing; or (4) have and willfully conceal a counterfeit public seal, if the person knows that it was counterfeited. The prohibition applies to a public seal of the State or any court of the State. A violator is guilty of misdemeanor counterfeiting of a public seal and on conviction is subject to imprisonment for not less than 2 years and not exceeding 10 years. A similar prohibition and penalty applies with respect to the seal of the Comptroller.

Background: In March 2010, the U.S. House of Representatives passed legislation banning misleading mailings designed to appear as official Census Bureau documents. The legislation is proposed in response to reports that political groups have been using such simulated mailings for fundraising purposes.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Associated Press, Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2010
ncs/kdm

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