

HOUSE BILL 408

E1
HB 1432/10 – JUD

11r0913
CF 11r2624

By: **Delegates McComas, Alston, Anderson, Aumann, Carter, Cluster, Conaway, DeBoy, Dumais, Dwyer, Frank, Haddaway-Riccio, K. Kelly, Lee, McConkey, Parrott, B. Robinson, Simmons, and Smigiel**

Introduced and read first time: February 4, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person**

3 FOR the purpose of clarifying that a person is prohibited from knowingly and willfully
4 assuming the identity of a fictitious person to avoid identification,
5 apprehension, or prosecution for a crime, or with fraudulent intent to get a
6 benefit, credit, good, service, or any other thing of value or to avoid the payment
7 of debt or other legal obligation; providing penalties for a violation of this Act;
8 and generally relating to identity fraud.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 8–301(c)
12 Annotated Code of Maryland
13 (2002 Volume and 2010 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Criminal Law
16 Section 8–301(g)
17 Annotated Code of Maryland
18 (2002 Volume and 2010 Supplement)

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

21 **Article – Criminal Law**

22 8–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) A person may not knowingly and willfully assume the identity of another,
2 **INCLUDING A FICTITIOUS PERSON:**

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

4 (2) with fraudulent intent to:

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

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

7 (g) (1) A person who violates this section where the benefit, credit, good,
8 service, or other thing of value that is the subject of subsection (b), (c), or (d) of this
9 section has a value of \$500 or greater is guilty of a felony and on conviction is subject
10 to imprisonment not exceeding 15 years or a fine not exceeding \$25,000 or both.

11 (2) A person who violates this section where the benefit, credit, good,
12 service, or other thing of value that is the subject of subsection (b), (c), or (d) of this
13 section has a value of less than \$500 is guilty of a misdemeanor and on conviction is
14 subject to imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or
15 both.

16 (3) A person who violates this section under circumstances that
17 reasonably indicate that the person's intent was to manufacture, distribute, or
18 dispense another individual's personal identifying information without that
19 individual's consent is guilty of a felony and on conviction is subject to imprisonment
20 not exceeding 15 years or a fine not exceeding \$25,000 or both.

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

24 (5) When the violation of this section is pursuant to one scheme or
25 continuing course of conduct, whether from the same or several sources, the conduct
26 may be considered as one violation and the value of the benefit, credit, good, service, or
27 other thing of value may be aggregated in determining whether the violation is a
28 felony or misdemeanor.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2011.