

Chapter 71

(House Bill 408)

AN ACT concerning

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

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

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

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

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

Article – Criminal Law

8–301.

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

- (1) to avoid identification, apprehension, or prosecution for a crime; or
- (2) with fraudulent intent to:
 - (i) get a benefit, credit, good, service, or other thing of value; or
 - (ii) avoid the payment of debt or other legal obligation.

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

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

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

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

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

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

Approved by the Governor, April 12, 2011.