

HOUSE BILL 930

E1

3lr2140

By: Delegates Lee, Arora, Conaway, DeBoy, Dumais, Eckardt, Glenn, Hough,
McComas, McDonough, B. Robinson, Stocksdales, Stukes, Tarrant,
F. Turner, and Valderrama

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2013

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Identity Fraud – Prohibitions**

3 FOR the purpose of prohibiting a person from ~~disclosing or helping another person to~~
4 ~~disclose an individual's personal identifying information without the~~
5 ~~individual's consent under certain circumstances; prohibiting a person from~~
6 ~~possessing, obtaining, disclosing, or helping another person to possess, obtain,~~
7 ~~or disclose certain information under certain circumstances; maliciously using~~
8 an interactive computer service to disclose or assist another person to disclose
9 certain personal identifying information of an individual, without the consent of
10 the individual, in order to annoy, threaten, embarrass, or harass the individual;
11 providing penalties for ~~disclosing an individual's personal identifying~~
12 information without the individual's consent a violation of this Act; and
13 generally relating to identity fraud.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section ~~8-301(b)~~ 8-301(a) and (g)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2012 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Criminal Law
21 Section 8-301(b)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
 2 (2012 Replacement Volume and 2012 Supplement)

3 BY adding
 4 Article – Criminal Law
 5 Section 8–301(b–1)
 6 Annotated Code of Maryland
 7 (2012 Replacement Volume and 2012 Supplement)

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

10 **Article – Criminal Law**

11 8–301.

12 (a) (1) In this section the following words have the meanings indicated.

13 (2) “INTERACTIVE COMPUTER SERVICE” MEANS AN
 14 INFORMATION SERVICE, SYSTEM, OR ACCESS SOFTWARE PROVIDER THAT
 15 PROVIDES OR ENABLES COMPUTER ACCESS BY MULTIPLE USERS TO A
 16 COMPUTER SERVER, INCLUDING A SYSTEM THAT PROVIDES ACCESS TO THE
 17 INTERNET AND CELLULAR PHONES.

18 [(2)] (3) “Payment device number” has the meaning stated in § 8–213
 19 of this title.

20 [(3)] (4) “Personal identifying information” includes a name, address,
 21 telephone number, driver’s license number, Social Security number, place of
 22 employment, employee identification number, mother’s maiden name, bank or other
 23 financial institution account number, date of birth, personal identification number,
 24 credit card number, or other payment device number.

25 [(4)] (5) “Re–encoder” means an electronic device that places encoded
 26 personal identifying information or a payment device number from the magnetic strip
 27 or stripe of a credit card onto the magnetic strip or stripe of a different credit card or
 28 any electronic medium that allows such a transaction to occur.

29 [(5)] (6) “Skimming device” means a scanner, skimmer, reader, or
 30 any other electronic device that is used to access, read, scan, obtain, memorize, or
 31 store, temporarily or permanently, personal identifying information or a payment
 32 device number encoded on the magnetic strip or stripe of a credit card.

33 (b) A person may not knowingly, willfully, and with fraudulent intent
 34 possess, obtain, ~~DISCLOSE~~, or help another to possess ~~for~~, obtain, ~~OR DISCLOSE~~ any

1 personal identifying information of an individual, without the consent of the
2 individual, in order to:

3 ~~(1)~~ use, sell, or transfer the information to get a benefit, credit, good,
4 service, or other thing of value in the name of the individual;~~OR~~

5 ~~(2) ANNOY, THREATEN, EMBARRASS, OR HARASS THE~~
6 ~~INDIVIDUAL.~~

7 (B-1) A PERSON MAY NOT MALICIOUSLY USE AN INTERACTIVE
8 COMPUTER SERVICE TO DISCLOSE OR ASSIST ANOTHER PERSON TO DISCLOSE
9 THE DRIVER'S LICENSE NUMBER, BANK OR OTHER FINANCIAL INSTITUTION
10 ACCOUNT NUMBER, CREDIT CARD NUMBER, PAYMENT DEVICE NUMBER, SOCIAL
11 SECURITY NUMBER, OR EMPLOYEE IDENTIFICATION NUMBER OF AN
12 INDIVIDUAL, WITHOUT THE CONSENT OF THE INDIVIDUAL, IN ORDER TO ANNOY,
13 THREATEN, EMBARRASS, OR HARASS THE INDIVIDUAL.

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

19 (2) A person who violates this section where the benefit, credit, good,
20 service, or other thing of value that is the subject of subsection ~~[(b)] (B)(1)~~, (c), or (d)
21 of this section has a value of less than \$500 is guilty of a misdemeanor and on
22 conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding
23 \$5,000 or both.

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

29 (4) A person who violates subsection ~~(B)(2) (B-1)~~, (c)(1), (e), or (f) of
30 this section is guilty of a misdemeanor and on conviction is subject to imprisonment
31 not exceeding 18 months or a fine not exceeding \$5,000 or both.

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.