

HOUSE BILL 972

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CF SB 567

By: **Delegates Mitchell, Niemann, Clippinger, Cluster, Conaway, Donoghue,
Haynes, Hough, McDermott, B. Robinson, and Valentino-Smith**

Introduced and read first time: February 8, 2013

Assigned to: Judiciary

A BILL ENTITLED

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; providing penalties
8 for disclosing an individual's personal identifying information without the
9 individual's consent; and generally relating to identity fraud.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 8–301(b) and (g)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2012 Supplement)

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

17 **Article – Criminal Law**

18 8–301.

19 (b) A person may not knowingly, willfully, and with fraudulent intent
20 possess, obtain, **DISCLOSE**, or help another to possess [or], obtain, **OR DISCLOSE** any
21 personal identifying information of an individual, without the consent of the
22 individual, in order to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **(2) ANNOY, THREATEN, EMBARRASS, OR HARASS THE**
4 **INDIVIDUAL.**

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

10 (2) A person who violates this section where the benefit, credit, good,
11 service, or other thing of value that is the subject of subsection [(b)] **(B)(1)**, (c), or (d)
12 of this section has a value of less than \$500 is guilty of a misdemeanor and on
13 conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding
14 \$5,000 or both.

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

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

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

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