

# SENATE BILL 387

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By: **Senators Kelley, Forehand, Getty, Gladden, King, Montgomery, Pugh,  
Ramirez, Raskin, Shank, and Stone**

Introduced and read first time: January 28, 2013

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Identification Theft – Vulnerable Children**

3 FOR the purpose of prohibiting a person, with fraudulent intent, from knowingly and  
4 willfully possessing, obtaining, or helping another to possess or obtain certain  
5 personal identifying information of a certain vulnerable child in order to use,  
6 sell, or transfer the information to get a benefit, credit, good, service, or other  
7 thing of value in the name of the child; prohibiting a person, with fraudulent  
8 intent, from knowingly and willfully assuming the identity of a vulnerable child  
9 to get a benefit, credit, good, service, or other thing of value; prohibiting a  
10 person, with fraudulent intent, from knowingly and willfully assuming the  
11 identity of a vulnerable child to avoid the payment of a debt or other legal  
12 obligation or to avoid identification, apprehension, or prosecution for a crime;  
13 establishing penalties for a violation of this Act; establishing that a sentence  
14 imposed under this Act may be separate from and consecutive to or concurrent  
15 with a sentence for any crime based on the act or acts establishing the violation  
16 of this Act; establishing that a prosecution for a violation of this Act or for a  
17 crime based on the act establishing a violation of this Act may be commenced in  
18 a county in which an element of the crime occurred or the victim resides;  
19 defining certain terms; and generally relating to identification theft.

20 BY adding to

21 Article – Criminal Law

22 Section 8–306

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2012 Supplement)

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

27 **Article – Criminal Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **8-306.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
3 MEANINGS INDICATED.

4 (2) "OBTAIN" HAS THE MEANING STATED IN § 7-101 OF THIS  
5 ARTICLE.

6 (3) "PERSONAL IDENTIFYING INFORMATION" HAS THE MEANING  
7 STATED IN § 8-301 OF THIS SUBTITLE.

8 (4) "VALUE" HAS THE MEANING STATED IN § 7-103 OF THIS  
9 ARTICLE.

10 (5) "VULNERABLE CHILD" MEANS A MINOR WHO IS IN FOSTER  
11 CARE IN THE STATE, IN THE CUSTODY OF THE STATE, OR IN THE CUSTODY OF A  
12 STATE OR LOCAL AGENCY.

13 (B) (1) A PERSON MAY NOT, WITH FRAUDULENT INTENT, KNOWINGLY  
14 AND WILLFULLY POSSESS, OBTAIN, OR HELP ANOTHER TO POSSESS OR OBTAIN  
15 PERSONAL IDENTIFYING INFORMATION OF A VULNERABLE CHILD IN ORDER TO  
16 USE, SELL, OR TRANSFER THE INFORMATION TO RECEIVE A BENEFIT, CREDIT,  
17 GOOD, SERVICE, OR OTHER THING OF VALUE IN THE NAME OF THE CHILD.

18 (2) A PERSON MAY NOT, WITH FRAUDULENT INTENT, KNOWINGLY  
19 AND WILLFULLY ASSUME THE IDENTITY OF A VULNERABLE CHILD TO RECEIVE A  
20 BENEFIT, CREDIT, GOOD, SERVICE, OR OTHER THING OF VALUE.

21 (3) A PERSON MAY NOT, WITH FRAUDULENT INTENT, KNOWINGLY  
22 AND WILLFULLY ASSUME THE IDENTITY OF A VULNERABLE CHILD TO:

23 (I) AVOID THE PAYMENT OF A DEBT OR OTHER LEGAL  
24 OBLIGATION; OR

25 (II) AVOID IDENTIFICATION, APPREHENSION, OR  
26 PROSECUTION FOR A CRIME.

27 (C) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B)(1)  
28 OR (2) OF THIS SECTION WHEN THE VALUE OF THE BENEFIT, CREDIT, GOOD,  
29 SERVICE, OR OTHER THING OF VALUE IS \$500 OR MORE IS GUILTY OF A FELONY  
30 AND:

1                   **(I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15**  
2 **YEARS OR A FINE NOT EXCEEDING \$20,000 OR BOTH; AND**

3                   **(II) SHALL RESTORE THE BENEFIT, CREDIT, GOOD,**  
4 **SERVICE, OR OTHER THING OF VALUE TAKEN TO THE OWNER, OR, IF THE OWNER**  
5 **IS DECEASED, TO THE OWNER'S ESTATE OR PAY THE OWNER OR OWNER'S**  
6 **ESTATE THE VALUE OF THE BENEFIT, CREDIT, GOOD, SERVICE, OR OTHER**  
7 **THING OF VALUE.**

8                   **(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B)(1)**  
9 **OR (2) OF THIS SECTION WHEN THE VALUE OF THE BENEFIT, CREDIT, GOOD,**  
10 **SERVICE, OR OTHER THING OF VALUE IS LESS THAN \$500 IS GUILTY OF A**  
11 **MISDEMEANOR AND:**

12                   **(I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18**  
13 **MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH; AND**

14                   **(II) SHALL RESTORE THE BENEFIT, CREDIT, GOOD,**  
15 **SERVICE, OR OTHER THING OF VALUE TAKEN TO THE OWNER, OR, IF THE OWNER**  
16 **IS DECEASED, TO THE OWNER'S ESTATE OR PAY THE OWNER OR OWNER'S**  
17 **ESTATE THE VALUE OF THE BENEFIT, CREDIT, GOOD, SERVICE, OR OTHER**  
18 **THING OF VALUE.**

19                   **(3) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B)(3)**  
20 **OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO**  
21 **IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$5,000**  
22 **OR BOTH.**

23                   **(D) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE**  
24 **FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY**  
25 **CRIME BASED ON THE ACT OR ACTS ESTABLISHING THE VIOLATION OF THIS**  
26 **SECTION.**

27                   **(E) A PROSECUTION FOR A VIOLATION OF THIS SECTION OR FOR A**  
28 **CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION MAY**  
29 **BE COMMENCED IN A COUNTY IN WHICH:**

30                   **(1) AN ELEMENT OF THE CRIME OCCURRED; OR**

31                   **(2) THE VICTIM RESIDES.**

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