

HOUSE BILL 955

E1

4r1374
CF SB 50

By: **Delegates Dumais, Clippinger, Fraser-Hidalgo, Lee, Simmons, Valderrama, and Waldstreicher**

Introduced and read first time: February 6, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Use of Personal Identifying Information or the Identity of Another –**
3 **Sexual Crimes**

4 FOR the purpose of prohibiting a person from using certain personal identifying
5 information or the identity of an individual without consent to invite,
6 encourage, or solicit another to commit a sexual crime against the individual;
7 establishing certain penalties; authorizing a State’s Attorney or the Attorney
8 General to investigate and prosecute a violation of this Act; providing that when
9 the Attorney General exercises the authority to investigate and prosecute a
10 violation of this Act, the Attorney General has certain powers and duties of a
11 State’s Attorney; specifying venue for the prosecution of a violation of this Act;
12 defining certain terms; and generally relating to sexual crimes and the use of
13 personal identifying information or the identity of another.

14 BY adding to

15 Article – Criminal Law

16 Section 3–325

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2013 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 **3–325.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
24 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “PERSONAL IDENTIFYING INFORMATION” HAS THE MEANING**
2 **STATED IN § 8-301 OF THIS ARTICLE.**

3 **(3) “SEXUAL CRIME” MEANS AN ACT THAT WOULD CONSTITUTE A**
4 **VIOLATION OF THIS SUBTITLE, § 3-602 OF THIS TITLE, § 3-902 OF THIS TITLE,**
5 **OR TITLE 11 OF THIS ARTICLE.**

6 **(B) A PERSON MAY NOT USE THE PERSONAL IDENTIFYING**
7 **INFORMATION OR IDENTITY OF AN INDIVIDUAL WITHOUT CONSENT TO INVITE,**
8 **ENCOURAGE, OR SOLICIT ANOTHER TO COMMIT A SEXUAL CRIME AGAINST THE**
9 **INDIVIDUAL.**

10 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY**
11 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS**
12 **OR A FINE NOT EXCEEDING \$25,000 OR BOTH.**

13 **(D) (1) A STATE’S ATTORNEY OR THE ATTORNEY GENERAL MAY**
14 **INVESTIGATE AND PROSECUTE A VIOLATION OF THIS SECTION OR A VIOLATION**
15 **OF ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS**
16 **SECTION.**

17 **(2) IF THE ATTORNEY GENERAL EXERCISES AUTHORITY UNDER**
18 **PARAGRAPH (1) OF THIS SUBSECTION, THE ATTORNEY GENERAL HAS ALL THE**
19 **POWERS AND DUTIES OF A STATE’S ATTORNEY, INCLUDING THE USE OF A**
20 **GRAND JURY IN ANY COUNTY OR BALTIMORE CITY, TO INVESTIGATE AND**
21 **PROSECUTE THE VIOLATION.**

22 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE**
23 **PROSECUTION OF A VIOLATION OF THIS SECTION OR FOR A VIOLATION OF ANY**
24 **CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION MAY**
25 **BE COMMENCED IN ANY COUNTY IN WHICH:**

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

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

28 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
29 **October 1, 2014.**