

SENATE BILL 810

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CF HB 714

By: **Senator Raskin**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 26, 2014

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of prohibiting a person from maliciously using an interactive
4 computer service to disclose or assist another person to disclose certain personal
5 identifying information of an individual, without the consent of the individual,
6 in order to annoy, threaten, embarrass, or harass the individual; providing
7 penalties for a violation of this Act; defining a certain term; and generally
8 relating to identity fraud.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 8–301(a) and (g)(4)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2013 Supplement)

14 BY adding to
15 Article – Criminal Law
16 Section 8–301(b–1)
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**

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 8–301.

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

3 (2) “Health care” means care, services, or supplies related to the
4 health of an individual that includes the following:

5 (i) preventative, diagnostic, therapeutic, rehabilitative,
6 maintenance care, palliative care and counseling, service assessment, or procedure:

7 1. with respect to the physical or mental condition or
8 functional status of an individual; or

9 2. that affects the structure or function of the body; and

10 (ii) the sale or dispensing of a drug, device, equipment, or other
11 item in accordance with a prescription.

12 (3) “Health information” means any information, whether oral or
13 recorded in any form or medium, that:

14 (i) is created or received by:

15 1. a health care provider;

16 2. a health care carrier;

17 3. a public health authority;

18 4. an employer;

19 5. a life insurer;

20 6. a school or university; or

21 7. a health care clearinghouse; and

22 (ii) relates to the:

23 1. past, present, or future physical or mental health or
24 condition of an individual;

25 2. provision of health care to an individual; or

26 3. past, present, or future payment for the provision of
27 health care to an individual.

1 **(4) “INTERACTIVE COMPUTER SERVICE” MEANS AN**
2 **INFORMATION SERVICE, SYSTEM, OR ACCESS SOFTWARE PROVIDER THAT**
3 **PROVIDES OR ENABLES COMPUTER ACCESS BY MULTIPLE USERS TO A**
4 **COMPUTER SERVER, INCLUDING A SYSTEM THAT PROVIDES ACCESS TO THE**
5 **INTERNET AND CELLULAR PHONES.**

6 **[(4)] (5)** “Payment device number” has the meaning stated in § 8–213
7 of this title.

8 **[(5)] (6)** (i) “Personal identifying information” includes a name,
9 address, telephone number, driver’s license number, Social Security number, place of
10 employment, employee identification number, health insurance identification number,
11 medical identification number, mother’s maiden name, bank or other financial
12 institution account number, date of birth, personal identification number, unique
13 biometric data, including fingerprint, voice print, retina or iris image or other unique
14 physical representation, digital signature, credit card number, or other payment
15 device number.

16 (ii) “Personal identifying information” may be derived from any
17 element in subparagraph (i) of this paragraph, alone or in conjunction with any other
18 information to identify a specific natural or fictitious individual.

19 **[(6)] (7)** “Re–encoder” means an electronic device that places encoded
20 personal identifying information or a payment device number from the magnetic strip
21 or stripe of a credit card onto the magnetic strip or stripe of a different credit card or
22 any electronic medium that allows such a transaction to occur.

23 **[(7)] (8)** “Skimming device” means a scanner, skimmer, reader, or
24 any other electronic device that is used to access, read, scan, obtain, memorize, or
25 store, temporarily or permanently, personal identifying information or a payment
26 device number encoded on the magnetic strip or stripe of a credit card.

27 **(B–1) A PERSON MAY NOT MALICIOUSLY USE AN INTERACTIVE**
28 **COMPUTER SERVICE TO DISCLOSE OR ASSIST ANOTHER PERSON TO DISCLOSE**
29 **THE DRIVER’S LICENSE NUMBER, BANK OR OTHER FINANCIAL INSTITUTION**
30 **ACCOUNT NUMBER, CREDIT CARD NUMBER, PAYMENT DEVICE NUMBER, SOCIAL**
31 **SECURITY NUMBER, OR EMPLOYEE IDENTIFICATION NUMBER OF AN**
32 **INDIVIDUAL, WITHOUT THE CONSENT OF THE INDIVIDUAL, IN ORDER TO ANNOY,**
33 **THREATEN, EMBARRASS, OR HARASS THE INDIVIDUAL.**

34 (g) (4) A person who violates subsection **(B–1)**, (c)(1), (e), or (f) of this
35 section is guilty of a misdemeanor and on conviction is subject to imprisonment not
36 exceeding 18 months or a fine not exceeding \$500 or both.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.