

SENATE BILL 889

E1

5lr3427
CF 5lr3508

By: **Senator Henson**

Introduced and read first time: January 28, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Distribution of Students’ Personal Information – Prohibition**

3 FOR the purpose of prohibiting a person from distributing personal identifying information
4 or images of certain students under certain circumstances; and generally relating to
5 the distribution of student information.

6 BY repealing and reenacting, without amendments,
7 Article – Criminal Law
8 Section 3–809(a)(1) through (3)
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2024 Supplement)

11 BY adding to
12 Article – Criminal Law
13 Section 3–810
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2024 Supplement)

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

18 **Article – Criminal Law**
19 3–809.

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

21 (2) “Distribute” means to give, sell, transfer, disseminate, publish, upload,
22 circulate, broadcast, make available, allow access to, or engage in any other form of
23 transmission, electronic or otherwise.

24 (3) “Harm” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- (i) physical injury;
- (ii) serious emotional distress; or
- (iii) economic damages.

4 **3-810.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) "DISTRIBUTE" HAS THE MEANING STATED IN § 3-809 OF THIS
8 SUBTITLE.

9 (3) "HARM" HAS THE MEANING STATED IN § 3-809 OF THIS SUBTITLE.

10 (4) (I) "INSTITUTION OF POSTSECONDARY EDUCATION" HAS THE
11 MEANING STATED IN § 10-101 OF THE EDUCATION ARTICLE.

12 (II) "INSTITUTION OF POSTSECONDARY EDUCATION" INCLUDES
13 INSTITUTIONS OF HIGHER EDUCATION THAT AWARD DEGREES AT THE ASSOCIATE
14 AND BACCALAUREATE LEVELS.

15 (5) "INSTITUTION OF SECONDARY EDUCATION" MEANS A SCHOOL OR
16 ANY OTHER INSTITUTION THAT ENROLLS STUDENTS IN GRADES 6 THROUGH 12.

17 (6) "PERSONAL IDENTIFYING INFORMATION" INCLUDES A PERSON'S:

18 (I) NAME;

19 (II) ADDRESS;

20 (III) TELEPHONE NUMBER;

21 (IV) DRIVER'S LICENSE NUMBER;

22 (V) SOCIAL SECURITY NUMBER;

23 (VI) PLACE OF EMPLOYMENT;

24 (VII) EMPLOYEE IDENTIFICATION NUMBER;

25 (VIII) HEALTH INSURANCE IDENTIFICATION NUMBER;

1 (IX) MEDICAL IDENTIFICATION NUMBER;

2 (X) MOTHER'S MAIDEN NAME;

3 (XI) BANK OR OTHER FINANCIAL INSTITUTION ACCOUNT
4 NUMBER;

5 (XII) DATE OF BIRTH;

6 (XIII) PERSONAL IDENTIFICATION NUMBER;

7 (XIV) UNIQUE BIOMETRIC DATA, INCLUDING FINGERPRINT,
8 VOICEPRINT, RETINA OR IRIS IMAGE, OR OTHER UNIQUE PHYSICAL
9 REPRESENTATION;

10 (XV) DIGITAL SIGNATURE;

11 (XVI) CREDIT CARD NUMBER OR OTHER PAYMENT DEVICE
12 NUMBER; AND

13 (XVII) SCHOOL ADDRESS.

14 (B) A PERSON MAY NOT INTENTIONALLY DISTRIBUTE THE PERSONAL
15 IDENTIFYING INFORMATION OR IMAGE OF A STUDENT ENROLLED IN AN
16 INSTITUTION OF SECONDARY EDUCATION OR AN INSTITUTION OF POSTSECONDARY
17 EDUCATION:

18 (1) WITHOUT THE EXPRESS PERMISSION OF THE STUDENT OR, IF THE
19 STUDENT IS UNDER THE AGE OF 18 YEARS, THE PARENT OR GUARDIAN OF THE
20 STUDENT; AND

21 (2) WITH:

22 (I) INTENT OR KNOWLEDGE THAT THE PERSONAL IDENTIFYING
23 INFORMATION OR IMAGE WILL BE USED TO HARM THE STUDENT; OR

24 (II) RECKLESS DISREGARD FOR THE RISK THAT THE PERSONAL
25 IDENTIFYING INFORMATION OR IMAGE WILL BE USED TO HARM THE STUDENT.

26 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
27 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A
28 FINE NOT EXCEEDING \$5,000 OR BOTH.

1 **(D) THIS SECTION MAY NOT BE CONSTRUED OR APPLIED IN A MANNER THAT**
2 **VIOLATES AN INDIVIDUAL'S RIGHT TO FREE SPEECH UNDER THE U.S.**
3 **CONSTITUTION OR THE MARYLAND DECLARATION OF RIGHTS.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2025.