

**Department of Legislative Services**  
Maryland General Assembly  
2025 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1150  
Judiciary

(Delegate Martinez, *et al.*)

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**Criminal Law - Personal Identifying Information and Images of Individuals -  
Dissemination**

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This bill prohibits a person from intentionally disseminating the “personal identifying information” or images of an individual who is younger than age 25 without express permission and with the intent to intimidate or harm the individual. A violator is guilty of a misdemeanor and on conviction is subject to imprisonment for up to one year and/or a maximum fine of \$5,000. The bill may not be construed or applied in a manner that violates a person’s rights to freedom of speech under the U.S. Constitution or the Maryland Declaration of Rights.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions. The Judiciary and the Office of the Public Defender can implement the bill with existing budgeted resources.

**Local Effect:** Potential minimal increase in local revenues and expenditures due to the bill’s penalty provisions. The bill is not anticipated to materially affect the caseloads of the circuit courts.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** “Disseminate” means to publish, post, or otherwise disclose information on a public internet site or on a public forum.

“Personal identifying information” includes the following: (1) name; (2) address; (3) telephone number; (4) driver’s license number; (5) social security number; (6) place of employment; (7) employee identification number; (8) health insurance identification number; (9) medical identification number; (10) mother’s maiden name; (11) bank or other financial institution account number; (12) date of birth; (13) personal identification number; (14) unique biometric data (including fingerprint, voice print, retina or iris image, or other unique physical representation); (15) digital signature; (16) credit card number or other payment device number; or (17) school address.

## **Current Law:**

### *Internet Privacy*

State law does not generally regulate Internet privacy, although businesses are required under the Maryland Personal Information Protection Act to take precautions to secure the personal information of customers and to provide notice of information of breaches.

### *Identity Fraud – § 8-301 of the Criminal Law Article*

The identity fraud statute contains several prohibitions. Among other things, the statute prohibits a person from knowingly, willfully, and with fraudulent intent possessing, obtaining, or helping another to possess or obtain any “personal identifying information” (generally as defined above) of an individual, without the consent of the individual, in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value or to access health information or health care.

Violators of this prohibition are subject to the following penalties, based on the value involved:

- at least \$100 but less than \$1,500 – misdemeanor, imprisonment for up to 1 year and/or a \$500 maximum fine;
- at least \$1,500 but less than \$25,000 – felony, imprisonment for up to 5 years and/or a \$10,000 maximum fine;
- at least \$25,000 but less than \$100,000 – felony, imprisonment for up to 10 years and/or a \$15,000 maximum fine; and
- \$100,000 or more – felony, imprisonment for up to 20 years and/or a \$25,000 maximum fine.

The statute also prohibits a person from maliciously using an “interactive computer service” to disclose or assist another person to disclose the driver’s license number, bank or other financial institution account number, credit card number, payment device number,

Social Security number, or employee identification number of an individual, without the consent of the individual, in order to annoy, threaten, embarrass, or harass the individual. Violators are guilty of a misdemeanor punishable by imprisonment for up to one year and/or a \$500 maximum fine.

“Interactive computer service” means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.

*Misuse of Electronic Communication or Interactive Computer Service – § 3-805 of the Criminal Law Article*

A person may not maliciously engage in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another (1) with the intent to harass, alarm, or annoy the other; (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and (3) without legal purpose.

A person may not use an “interactive computer service” (as defined above) to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent (1) to kill, injure, harass, or cause serious emotional distress to the minor or (2) to place the minor in reasonable fear of death or serious bodily injury.

A person may not maliciously engage in an electronic communication if (1) the electronic communication is part of a series of communications and has the effect of intimidating or harassing a minor and causing physical injury or serious emotional distress to a minor and (2) the person engaging in the electronic communication intends to intimidate or harass the minor and cause physical injury or serious emotional distress to the minor.

A person may not maliciously engage in a single significant act or course of conduct using an electronic communication if:

- the person’s conduct, when considered in its entirety, has the effect of intimidating or harassing a minor and causing physical injury or serious emotional distress to a minor;
- the person intends to intimidate or harass the minor and cause physical injury or serious emotional distress to the minor; and
- in the case of a single significant act, the communication (1) is made after receiving a reasonable warning or request to stop; (2) is sent with a reasonable expectation that the recipient would share the communication with a third party; or (3) shocks the conscience.

A person may not maliciously engage in electronic conduct if (1) the act of electronic conduct has the effect of intimidating or harassing a minor and causing physical injury or serious emotional distress to a minor and (2) the person intends to intimidate or harass the minor and cause physical injury or serious emotional distress to the minor.

The above prohibitions do not apply to a peaceable activity intended to express a political view or provide information to others or conducted for a lawful purpose.

A person convicted of violating one of the aforementioned crimes is guilty of a misdemeanor and subject to imprisonment of up to three years and/or a maximum fine of \$10,000.

A person may not violate these provisions with the intent to induce a minor to commit suicide. Such violators are guilty of a misdemeanor and subject to maximum penalties of 10 years' imprisonment and/or a \$10,000 fine.

Under these provisions, "electronic communication" means the act of transmitting any information, data, writing, image, or communication by the use of a computer or any other electronic means, including a communication that involves the use of email, an instant messaging service, an Internet website, a social media application, a network call, a facsimile machine, or any other Internet-based communication tool.

**State Fiscal Effect:** Assuming that the bill captures behavior that is not subject to an existing criminal penalty, general fund revenues may increase minimally from fines imposed in the District Court, and general fund expenditures may increase minimally from incarcerations in Baltimore City. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

**Local Fiscal Effect:** Using the assumptions stated above, local revenues may increase minimally from fines imposed in the circuit courts, and local incarceration expenditures may increase minimally.

Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$140 to \$350 per incarcerated individual in recent years.

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 1460 of 2024.

**Designated Cross File:** None.

**Information Source(s):** Baltimore City; Prince George's County; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2025  
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