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**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**

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March 15, 2023

**TO:** The Honorable Melony Griffith, Chair  
Senate Finance Committee

**FROM:** Elizabeth J. Bonomo  
Law Clerk

**RE:** Senate Bill 861 – Consumer Protection – Scanning or Swiping Identification  
Cards and Driver's Licenses – Prohibition – SUPPORT

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The Consumer Protection Division of the Office of the Attorney General supports Senate Bill 861, sponsored by Senator Kagan, which would prohibit a person from using a scanning device or card reader to collect information from an individual's driver's license or identification card, unless the person has a legitimate reason for collecting that information. The bill would also prohibit the person from retaining or selling information from an individual's license or identification card.

Driver's licenses and identification cards contain significant personal information about an individual: the holder's name, address, date of birth, ID number, photographic likeness, signature, and even health information. That information that can be used for identity theft or other nefarious purposes. Valid reasons for collecting information, such as age verification, are exempt from this bill. But with data breaches now unfortunately all too common, there is no reason why businesses should collect and retain this personal information without a good and substantial reason for doing so.

According to the Federal Trade Commission, Maryland currently ranks eleventh nationally in identity theft reports, with 343 reports per 100,000 residents in 2022 alone.<sup>1</sup> The consequences for victims of identity theft go beyond financial impacts. According to the U.S. Department of Justice, victims of these crimes "have had bank accounts wiped out, credit histories ruined, and jobs and valuable possessions taken away. In some cases, they have even been arrested for crimes they did not commit. The financial toll exacted by identity theft can be crippling, and the

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<sup>1</sup> FED. TRADE COMM'N, IDENTITY THEFT REPORTS (2023),  
<https://public.tableau.com/app/profile/federal.trade.commission/viz/FraudandIDTheftMaps/IDTheftbyState>.

emotional trauma can be as devastating as many of the most violent offenses. Far from being a victimless crime, identity theft has profound and often tragic consequences for those affected by it.”<sup>2</sup>

The Division believes that Senate Bill 861 is a reasonable measure that helps protect individuals’ personal information against misuse and respectfully recommends that the Finance Committee issue a favorable report.

cc:               Members, Senate Finance Committee  
                    The Honorable Cheryl Kagan

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<sup>2</sup> U.S. DEP’T OF JUST., IDENTITY THEFT, <https://www.ojp.gov/programs/identitytheft> (last visited Mar. 13, 2023).