

SENATE BILL 244

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1999 Regular Session
9r1061

By: **Senators Teitelbaum, Jimeno, Exum, Kelley, Hooper, Della, Conway, Astle, Dyson, and Frosh** ~~Frosh, Forehand, and Stone~~

Introduced and read first time: February 3, 1999

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 1999

CHAPTER _____

1 AN ACT concerning

2 **Fraud - Personal Identifying Information Theft**

3 FOR the purpose of prohibiting a person from ~~using another individual's personal~~
4 ~~identifying information without the authorization of that individual for certain~~
5 ~~purposes; knowingly, willfully, and with fraudulent intent possessing, obtaining,~~
6 ~~or using an individual's personal identification information for certain purposes~~
7 ~~without the consent of that individual or the individual's agent; establishing~~
8 ~~certain penalties for a violation of this Act; providing for restitution and for~~
9 ~~certain costs under certain circumstances; providing for certain liquidated~~
10 ~~damages for certain costs under certain circumstances; defining a certain term;~~
11 ~~providing for the construction of this Act; and generally relating to using~~
12 ~~personal identifying information of an individual without the consent or~~
13 ~~authorization of the individual under certain circumstances possessing,~~
14 ~~obtaining, or using personal identifying information of an individual without~~
15 ~~consent.~~

16 BY adding to

17 Article 27 - Crimes and Punishments

18 Section 231 to be under the new subheading "Fraud - Personal Identifying
19 Information"

20 Annotated Code of Maryland

21 (1996 Replacement Volume and 1998 Supplement)

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

1

Article 27 - Crimes and Punishments

2

FRAUD - PERSONAL IDENTIFYING INFORMATION

3 231.

4 (A) IN THIS SECTION, "PERSONAL IDENTIFYING INFORMATION" MEANS ~~THE~~ A
5 NAME, ADDRESS, SIGNATURE, TELEPHONE NUMBER, DRIVER'S LICENSE NUMBER,
6 SOCIAL SECURITY NUMBER, PLACE OF EMPLOYMENT, EMPLOYEE IDENTIFICATION
7 NUMBER, MOTHER'S MAIDEN NAME, DEMAND DEPOSIT ACCOUNT NUMBER, SAVINGS
8 OR CHECKING ACCOUNT NUMBER, OR CREDIT CARD NUMBER OF AN INDIVIDUAL.

9 (B) THIS SECTION DOES NOT AFFECT THE APPLICABILITY OF ANY OTHER
10 PROVISION OF LAW TO A TRANSACTION THAT VIOLATES THIS SECTION.

11 ~~(C) A PERSON MAY NOT INTENTIONALLY USE, ATTEMPT TO USE, OR~~
12 ~~REPRESENT THAT THE PERSON IS ACTING WITH THE AUTHORIZATION OR CONSENT~~
13 ~~TO USE ANY PERSONAL IDENTIFYING INFORMATION OR PERSONAL IDENTIFICATION~~
14 ~~DOCUMENT OF AN INDIVIDUAL TO OBTAIN CREDIT, MONEY, GOODS, SERVICES, OR~~
15 ~~ANYTHING ELSE OF VALUE WITHOUT THE AUTHORIZATION OR CONSENT OF THE~~
16 ~~INDIVIDUAL.~~

17 ~~(D) (+) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A~~
18 ~~MISDEMEANOR AND ON CONVICTION SHALL BE SUBJECT TO A FINE NOT EXCEEDING~~
19 ~~\$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.~~

20 (C) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT
21 INTENT:

22 (1) POSSESS PERSONAL IDENTIFYING INFORMATION OF ANOTHER
23 INDIVIDUAL WITHOUT CONSENT OF THAT INDIVIDUAL OR INDIVIDUAL'S AGENT;

24 (2) OBTAIN OR AID ANOTHER PERSON IN OBTAINING PERSONAL
25 IDENTIFYING INFORMATION OF ANOTHER INDIVIDUAL WITHOUT THE CONSENT OF
26 THAT INDIVIDUAL OR INDIVIDUAL'S AGENT, AND SELL, TRANSFER, OR OTHERWISE
27 USE THAT INFORMATION TO OBTAIN OR ATTEMPT TO OBTAIN ANY BENEFIT, CREDIT,
28 GOODS, SERVICES, OR OTHER THINGS OF VALUE; OR

29 (3) OBTAIN OR AID ANOTHER PERSON IN OBTAINING PERSONAL
30 IDENTIFYING INFORMATION OF ANOTHER INDIVIDUAL'S AGENT, TO AVOID
31 IDENTIFICATION, APPREHENSION, OR PROSECUTION.

32 (D) (1) A PERSON WHO VIOLATES SUBSECTION (C)(1) OF THIS SECTION IS
33 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
34 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

35 (2) A PERSON WHO VIOLATES SUBSECTION (C)(2) OR (3) OF THIS SECTION
36 IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT
37 EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 15 YEARS OR BOTH.

1 (2) (3) IN ADDITION TO THE ~~PENALTY PENALTIES~~ PROVIDED IN
2 ~~PARAGRAPH (4) PARAGRAPHS (1) AND (2)~~ OF THIS SUBSECTION, A PERSON WHO
3 VIOLATES ANY PROVISION OF THIS SECTION SHALL MAKE RESTITUTION TO THE
4 VICTIM WHOSE PERSONAL IDENTIFYING INFORMATION THE PERSON UNLAWFULLY
5 ~~SOLD, TRANSFERRED, OR USED, POSSESSED OR OBTAINED IN VIOLATION OF THIS~~
6 ~~SECTION,~~ FOR ANY COSTS INCLUDING ATTORNEY FEES, INCURRED:

7 (I) IN CLEARING THE VICTIM'S CREDIT HISTORY OR CREDIT
8 RATING; OR

9 (II) IN CONNECTION WITH ANY CIVIL OR ADMINISTRATIVE
10 PROCEEDING TO SATISFY A DEBT, LIEN, OR OTHER OBLIGATION OF THE VICTIM THAT
11 AROSE AS A RESULT OF THE ACTIONS OF THE PERSON.

12 (3) ~~IN ADDITION TO THE PENALTY PROVIDED IN PARAGRAPH (1) OF THIS~~
13 ~~SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS ALSO LIABLE TO THE~~
14 ~~VICTIM FOR LIQUIDATED DAMAGES IN AN AMOUNT NOT TO EXCEED 25 PERCENT OF~~
15 ~~THE COSTS ENUMERATED IN PARAGRAPH (2) OF THIS SUBSECTION.~~

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1999.