

SENATE BILL 327

E2, I4

8lr1172
CF 8lr1320

By: **Senators Kelley and Jones (Task Force to Study Identity Theft) and
Senators Astle, Currie, Della, Exum, Jacobs, Kittleman, Lenett, Mooney,
Pinsky, Pugh, Raskin, and Stone**

Introduced and read first time: January 28, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Identity Fraud – Personal and Business Documents and Cardholder**
3 **Affidavits – Evidence**

4 FOR the purpose of providing that certain personal and business documents are
5 admissible as evidence and presumed to be authentic if a certain person testifies
6 as to their authenticity in any judicial or administrative proceeding; authorizing
7 in a criminal case or juvenile proceeding involving identity fraud the
8 introduction of the affidavit of a lawful credit cardholder as substantive
9 evidence that the credit card or credit card number of the credit cardholder was
10 taken, used, or possessed without the authorization of the credit cardholder;
11 and generally relating to the admissibility of documents and affidavits as
12 evidence.

13 BY adding to

14 Article – Commercial Law

15 Section 24–101 to be under the new title “Title 24. Authentication of
16 Documents”

17 Annotated Code of Maryland

18 (2005 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Criminal Law

21 Section 8–214.1

22 Annotated Code of Maryland

23 (2002 Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Commercial Law**2 **TITLE 24. AUTHENTICATION OF DOCUMENTS.**3 **24-101.**

4 **THE FOLLOWING DOCUMENTS ARE ADMISSIBLE AS EVIDENCE AND**
5 **PRESUMED TO BE AUTHENTIC IF THE ACCOUNT HOLDER TESTIFIES TO THEIR**
6 **AUTHENTICITY IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING:**

- 7 (1) **PERSONAL BANK RECORDS;**
8 (2) **BUSINESS BANK RECORDS;**
9 (3) **PERSONAL CREDIT CARD REPORTS;**
10 (4) **BUSINESS CREDIT CARD REPORTS;**
11 (5) **PERSONAL CREDIT CARD STATEMENTS;**
12 (6) **BUSINESS CREDIT CARD STATEMENTS;**
13 (7) **PERSONAL CREDIT CARD NOTICES; AND**
14 (8) **BUSINESS CREDIT CARD NOTICES.**

15 **Article – Criminal Law**16 **8-214.1.**

17 (a) In a criminal case or juvenile proceeding involving a violation of § 8-204,
18 § 8-205, § 8-206, § 8-207, § 8-208, § 8-209, § 8-210, [or] § 8-214, **OR § 8-301** of this
19 subtitle, an affidavit sworn to by a lawful credit cardholder may be introduced as
20 substantive evidence that the credit card or credit card number was taken, used, or
21 possessed without the authorization of the credit cardholder.

22 (b) (1) At least 10 days before a proceeding in which the State intends to
23 introduce into evidence an affidavit as provided under this section, the State shall
24 provide written notice to the defendant that the State intends to:

- 25 (i) rely on the affidavit; and
26 (ii) introduce the affidavit into evidence at the proceeding.

1 (2) On written demand of a defendant filed at least 5 days before the
2 proceeding described in subsection (a) of this section, the State shall require the
3 presence of the affiant as a prosecution witness.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2008.