

HOUSE BILL 1125

E1

3lr1887
CF SB 388

By: **Delegates Wilson, Barnes, Beitzel, Braveboy, Clagett, Holmes, James, Jameson, Jones, McIntosh, Niemann, Pena-Melnyk, Vitale, and Walker**

Introduced and read first time: February 8, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Victims of Crime – Identity Theft Passport – Children**

3 FOR the purpose of requiring the Department of Human Resources to assist a child
4 who has been identified as a victim of identity fraud to apply for an identity
5 theft passport under certain circumstances; requiring the Department of
6 Juvenile Services to assist a child who has been identified as a victim of identity
7 fraud to apply for an identity theft passport under certain circumstances;
8 defining certain terms; and generally relating to identity fraud.

9 BY repealing and reenacting, without amendments,
10 Article – Family Law
11 Section 5–501(f) through (h)
12 Annotated Code of Maryland
13 (2012 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 8–305
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2012 Supplement)

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

21 **Article – Family Law**

22 5–501.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (f) “Foster care” means continuous 24-hour care and supportive services
2 provided for a minor child placed by a child placement agency in an approved family
3 home.

4 (g) “Group care” means continuous 24-hour care and supportive services
5 provided for a minor child placed in a licensed group facility.

6 (h) “Kinship care” means continuous 24-hour care and supportive services
7 provided for a minor child placed by a child placement agency in the home of a relative
8 related by blood or marriage within the 5th degree of consanguinity or affinity under
9 the civil law rule.

10 Article – Criminal Law

11 8–305.

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

13 (2) **“FOSTER CARE” HAS THE MEANING STATED IN § 5–501 OF**
14 **THE FAMILY LAW ARTICLE.**

15 (3) **“GROUP CARE” HAS THE MEANING STATED IN § 5–501 OF THE**
16 **FAMILY LAW ARTICLE.**

17 [(2)] (4) “Identity fraud” means a violation of § 8–301 of this subtitle.

18 [(3)] (5) “Identity theft passport” means a card or certificate issued
19 by the Attorney General that verifies the identity of the person who is a victim of
20 identity fraud.

21 (6) **“KINSHIP CARE” HAS THE MEANING STATED IN § 5–501 OF**
22 **THE FAMILY LAW ARTICLE.**

23 (b) (1) A person who knows or reasonably suspects that the person is a
24 victim of identity fraud and has filed a report under § 8–304 of this subtitle may apply
25 for an identity theft passport through a law enforcement agency.

26 (2) **THE DEPARTMENT OF HUMAN RESOURCES SHALL ASSIST A**
27 **CHILD WHO HAS BEEN IDENTIFIED AS A VICTIM OF IDENTITY FRAUD TO APPLY**
28 **FOR AN IDENTITY THEFT PASSPORT THROUGH A LAW ENFORCEMENT AGENCY IF**
29 **THE CHILD IS:**

30 (I) **IN FOSTER CARE, GROUP CARE, OR KINSHIP CARE; AND**

1 **(II) IN THE CARE AND CUSTODY OF THE DEPARTMENT OF**
2 **HUMAN RESOURCES.**

3 **(3) THE DEPARTMENT OF JUVENILE SERVICES SHALL ASSIST A**
4 **CHILD WHO HAS BEEN IDENTIFIED AS A VICTIM OF IDENTITY FRAUD TO APPLY**
5 **FOR AN IDENTITY THEFT PASSPORT THROUGH A LAW ENFORCEMENT AGENCY IF**
6 **THE CHILD HAS BEEN PLACED IN THE CARE AND CUSTODY OF THE**
7 **DEPARTMENT OF JUVENILE SERVICES.**

8 (c) A law enforcement agency that receives an application for an identity
9 theft passport shall submit the application and a copy of the report filed under § 8–304
10 of this subtitle to the Attorney General for processing and issuance of an identity theft
11 passport.

12 (d) (1) The Attorney General, in cooperation with a law enforcement
13 agency, may issue an identity theft passport to a person who is a victim of identity
14 fraud.

15 (2) The Attorney General may not issue an identity theft passport to a
16 person before completing a background check on the person.

17 (e) A person who is issued an identity theft passport under subsection (d) of
18 this section may present the identity theft passport to:

19 (1) a law enforcement agency to help prevent the arrest or detention of
20 the person for an offense committed by another using the person's personal identifying
21 information; or

22 (2) a creditor to aid in the investigation of:

23 (i) a fraudulent account that is opened in the person's name; or

24 (ii) a fraudulent charge that is made against an account of the
25 person.

26 (f) (1) A law enforcement agency or creditor that is presented with an
27 identity theft passport under subsection (e) of this section has sole discretion to accept
28 or reject the identity theft passport.

29 (2) In determining whether to accept or reject the identity theft
30 passport, the law enforcement agency or creditor may consider the surrounding
31 circumstances and available information regarding the offense of identity fraud
32 against the person.

33 (g) An application for an identity theft passport submitted under this
34 section, including any supporting documentation:

1 (1) is not a public record; and

2 (2) may not be released except to a law enforcement agency in this or
3 another state.

4 (h) The Attorney General shall adopt regulations to carry out the provisions
5 of this section.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2013.