

HOUSE BILL 714

E1
HB 930/13 – JUD

4r1102
CF 4r2999

By: **Delegates Lee, Carr, Cullison, DeBoy, Dumais, Gutierrez, Healey, Howard, Jones, A. Kelly, McComas, McDonough, B. Robinson, Rudolph, Stocksdale, F. Turner, Valderrama, and A. Washington**

Introduced and read first time: January 31, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Identity Fraud – Prohibitions**

3 FOR the purpose of prohibiting a person from maliciously using an interactive
4 computer service to disclose or assist another person to disclose certain personal
5 identifying information of an individual, without the consent of the individual,
6 in order to annoy, threaten, embarrass, or harass the individual; providing
7 penalties for a violation of this Act; defining a certain term; and generally
8 relating to identity fraud.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 8–301(a) and (g)(4)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2013 Supplement)

14 BY adding to
15 Article – Criminal Law
16 Section 8–301(b–1)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2013 Supplement)

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

21 **Article – Criminal Law**

22 8–301.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Health care” means care, services, or supplies related to the
2 health of an individual that includes the following:

3 (i) preventative, diagnostic, therapeutic, rehabilitative,
4 maintenance care, palliative care and counseling, service assessment, or procedure:

5 1. with respect to the physical or mental condition or
6 functional status of an individual; or

7 2. that affects the structure or function of the body; and

8 (ii) the sale or dispensing of a drug, device, equipment, or other
9 item in accordance with a prescription.

10 (3) “Health information” means any information, whether oral or
11 recorded in any form or medium, that:

12 (i) is created or received by:

13 1. a health care provider;

14 2. a health care carrier;

15 3. a public health authority;

16 4. an employer;

17 5. a life insurer;

18 6. a school or university; or

19 7. a health care clearinghouse; and

20 (ii) relates to the:

21 1. past, present, or future physical or mental health or
22 condition of an individual;

23 2. provision of health care to an individual; or

24 3. past, present, or future payment for the provision of
25 health care to an individual.

26 (4) “INTERACTIVE COMPUTER SERVICE” MEANS AN
27 INFORMATION SERVICE, SYSTEM, OR ACCESS SOFTWARE PROVIDER THAT
28 PROVIDES OR ENABLES COMPUTER ACCESS BY MULTIPLE USERS TO A

1 **COMPUTER SERVER, INCLUDING A SYSTEM THAT PROVIDES ACCESS TO THE**
2 **INTERNET AND CELLULAR PHONES.**

3 ~~[(4)]~~ **(5)** “Payment device number” has the meaning stated in § 8–213
4 of this title.

5 ~~[(5)]~~ **(6)** (i) “Personal identifying information” includes a name,
6 address, telephone number, driver’s license number, Social Security number, place of
7 employment, employee identification number, health insurance identification number,
8 medical identification number, mother’s maiden name, bank or other financial
9 institution account number, date of birth, personal identification number, unique
10 biometric data, including fingerprint, voice print, retina or iris image or other unique
11 physical representation, digital signature, credit card number, or other payment
12 device number.

13 (ii) “Personal identifying information” may be derived from any
14 element in subparagraph (i) of this paragraph, alone or in conjunction with any other
15 information to identify a specific natural or fictitious individual.

16 ~~[(6)]~~ **(7)** “Re–encoder” means an electronic device that places encoded
17 personal identifying information or a payment device number from the magnetic strip
18 or stripe of a credit card onto the magnetic strip or stripe of a different credit card or
19 any electronic medium that allows such a transaction to occur.

20 ~~[(7)]~~ **(8)** “Skimming device” means a scanner, skimmer, reader, or
21 any other electronic device that is used to access, read, scan, obtain, memorize, or
22 store, temporarily or permanently, personal identifying information or a payment
23 device number encoded on the magnetic strip or stripe of a credit card.

24 **(B–1) A PERSON MAY NOT MALICIOUSLY USE AN INTERACTIVE**
25 **COMPUTER SERVICE TO DISCLOSE OR ASSIST ANOTHER PERSON TO DISCLOSE**
26 **THE DRIVER’S LICENSE NUMBER, BANK OR OTHER FINANCIAL INSTITUTION**
27 **ACCOUNT NUMBER, CREDIT CARD NUMBER, PAYMENT DEVICE NUMBER, SOCIAL**
28 **SECURITY NUMBER, OR EMPLOYEE IDENTIFICATION NUMBER OF AN**
29 **INDIVIDUAL, WITHOUT THE CONSENT OF THE INDIVIDUAL, IN ORDER TO ANNOY,**
30 **THREATEN, EMBARRASS, OR HARASS THE INDIVIDUAL.**

31 (g) (4) A person who violates subsection **(B–1)**, (c)(1), (e), or (f) of this
32 section is guilty of a misdemeanor and on conviction is subject to imprisonment not
33 exceeding 18 months or a fine not exceeding \$500 or both.

34 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
35 **October 1, 2014.**