

## **Chapter 237**

**(House Bill 714)**

AN ACT concerning

### **Criminal Law – Identity Fraud – Prohibitions**

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

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 8–301(a) and (g)(4)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY adding to

Article – Criminal Law

Section 8–301(b–1)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

### **Article – Criminal Law**

8–301.

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

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

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

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

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

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

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

- (i) is created or received by:
1. a health care provider;
  2. a health care carrier;
  3. a public health authority;
  4. an employer;
  5. a life insurer;
  6. a school or university; or
  7. a health care clearinghouse; and
- (ii) relates to the:
1. past, present, or future physical or mental health or condition of an individual;
  2. provision of health care to an individual; or
  3. past, present, or future payment for the provision of health care to an individual.

**(4) “INTERACTIVE COMPUTER SERVICE” MEANS AN INFORMATION SERVICE, SYSTEM, OR ACCESS SOFTWARE PROVIDER THAT PROVIDES OR ENABLES COMPUTER ACCESS BY MULTIPLE USERS TO A COMPUTER SERVER, INCLUDING A SYSTEM THAT PROVIDES ACCESS TO THE INTERNET AND CELLULAR PHONES.**

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

[(5)] **(6)** (i) “Personal identifying information” includes a name, address, telephone number, driver’s license number, Social Security number, place of

employment, employee identification number, health insurance identification number, medical identification number, mother's maiden name, bank or other financial institution account number, date of birth, personal identification number, unique biometric data, including fingerprint, voice print, retina or iris image or other unique physical representation, digital signature, credit card number, or other payment device number.

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

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

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

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

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

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

**Approved by the Governor, April 14, 2014.**