

HOUSE BILL 555

E1, D3

4lr0749

By: **Delegates A. Johnson, Acevero, Boaf, Forbes, Grammer, Grossman, S. Johnson, Kerr, McCaskill, McComas, Phillips, Pruski, Simmons, Taveras, Taylor, and Terrasa**

Introduced and read first time: January 24, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Unauthorized Dissemination of Personal Identifying**
3 **Information – Prohibition**

4 FOR the purpose of prohibiting the unauthorized dissemination of certain personal
5 identifying information in order to intimidate, abuse, threaten, harass, or frighten
6 another; establishing a civil cause of action for a person injured by the intentional
7 dissemination of certain personal identifying information; and generally relating to
8 a prohibition against the unauthorized dissemination of personal identifying
9 information.

10 BY adding to
11 Article – Criminal Law
12 Section 3–810
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2023 Supplement)

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

17 **Article – Criminal Law**

18 **3–810.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “DISSEMINATE” MEANS TO ELECTRONICALLY PUBLISH, POST, OR**
2 **OTHERWISE DISCLOSE INFORMATION TO A PUBLIC INTERNET SITE OR ON A PUBLIC**
3 **FORUM.**

4 **(3) “HOUSEHOLD MEMBER” MEANS AN INDIVIDUAL WHO REGULARLY**
5 **RESIDES IN THE HOUSEHOLD OR WHO REGULARLY RESIDED IN THE HOUSEHOLD**
6 **WITHIN 6 MONTHS PRECEDING THE VIOLATION OF THIS SUBSECTION.**

7 **(4) “IMMEDIATE FAMILY MEMBER” MEANS A PARENT,**
8 **GRANDPARENT, SPOUSE, CHILD, STEPCHILD, FATHER-IN-LAW, MOTHER-IN-LAW,**
9 **SON-IN-LAW, DAUGHTER-IN-LAW, SIBLING, BROTHER-IN-LAW, SISTER-IN-LAW, OR**
10 **GRANDCHILD.**

11 **(5) “PERSONAL IDENTIFYING INFORMATION” HAS THE MEANING**
12 **STATED IN § 8-301(A)(6) OF THIS ARTICLE.**

13 **(B) (1) A PERSON MAY NOT DISSEMINATE THE PERSONAL IDENTIFYING**
14 **INFORMATION OF ANOTHER PERSON OR THE PERSON’S IMMEDIATE FAMILY**
15 **MEMBER OR HOUSEHOLD MEMBER:**

16 **(I) WITHOUT PERMISSION;**

17 **(II) WITH THE INTENT TO INTIMIDATE, ABUSE, THREATEN,**
18 **HARASS, OR FRIGHTEN THE PERSON; AND**

19 **(III) IN A MANNER THAT KNOWINGLY OR RECKLESSLY PLACES**
20 **THE PERSON IN REASONABLE FEAR OF PHYSICAL INJURY TO THE PERSON OR TO AN**
21 **IMMEDIATE FAMILY MEMBER OR HOUSEHOLD MEMBER OF THE PERSON.**

22 **(2) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1) OF**
23 **THIS SUBSECTION THAT RESULTS IN PHYSICAL INJURY TO THE PERSON WHOSE**
24 **PERSONAL IDENTIFYING INFORMATION WAS DISSEMINATED OR AN IMMEDIATE**
25 **FAMILY MEMBER OR HOUSEHOLD MEMBER OF THE PERSON.**

26 **(3) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1) OF**
27 **THIS SUBSECTION THAT RESULTS IN SERIOUS PHYSICAL INJURY TO THE PERSON**
28 **WHOSE PERSONAL IDENTIFYING INFORMATION WAS DISSEMINATED OR AN**
29 **IMMEDIATE FAMILY MEMBER OR HOUSEHOLD MEMBER OF THE PERSON.**

30 **(4) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1) OF**
31 **THIS SUBSECTION THAT RESULTS IN THE DEATH OF THE PERSON WHOSE PERSONAL**
32 **IDENTIFYING INFORMATION WAS DISSEMINATED OR AN IMMEDIATE FAMILY**
33 **MEMBER OR HOUSEHOLD MEMBER OF THE PERSON.**

1 **(C) (1) A PERSON WHO VIOLATES SUBSECTION (B)(1) OF THIS SECTION IS**
2 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**
3 **FOR NOT LESS THAN 90 DAYS AND NOT EXCEEDING 12 MONTHS OR A FINE NOT**
4 **EXCEEDING \$500 OR BOTH.**

5 **(2) A PERSON WHO VIOLATES SUBSECTION (B)(2) OF THIS SECTION IS**
6 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT**
7 **LESS THAN 1 YEAR AND NOT EXCEEDING 5 YEARS OR A FINE OF NOT LESS THAN**
8 **\$1,000 AND NOT EXCEEDING \$10,000 OR BOTH.**

9 **(3) A PERSON WHO VIOLATES SUBSECTION (B)(3) OF THIS SECTION IS**
10 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT**
11 **LESS THAN 5 YEARS AND NOT EXCEEDING 10 YEARS OR A FINE OF NOT LESS THAN**
12 **\$1,000 AND NOT EXCEEDING \$10,000 OR BOTH.**

13 **(4) A PERSON WHO VIOLATES SUBSECTION (B)(4) OF THIS SECTION IS**
14 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT**
15 **LESS THAN 10 YEARS AND NOT EXCEEDING 20 YEARS OR A FINE OF NOT LESS THAN**
16 **\$1,000 AND NOT EXCEEDING \$10,000 OR BOTH.**

17 **(D) (1) A PERSON WHO IS THE VICTIM OF AN ACT THAT WOULD**
18 **CONSTITUTE A VIOLATION UNDER THIS SECTION, OR, IF THE VICTIM IS A MINOR, THE**
19 **PARENT OR GUARDIAN OF THE VICTIM, MAY BRING A CIVIL ACTION AGAINST THE**
20 **PERSON WHO COMMITTED THE ACT IN A COURT OF COMPETENT JURISDICTION.**

21 **(2) THE COURT MAY:**

22 **(I) ISSUE AN INJUNCTION TO PREVENT OR RESTRAIN AN ACT**
23 **THAT WOULD CONSTITUTE A VIOLATION OF THIS SECTION;**

24 **(II) AWARD DAMAGES; AND**

25 **(III) AWARD REASONABLE ATTORNEY'S FEES AND COSTS TO A**
26 **PREVAILING PLAINTIFF.**

27 **(3) THIS SUBSECTION DOES NOT AFFECT ANY LEGAL OR EQUITABLE**
28 **RIGHT OR REMEDY OTHERWISE PROVIDED BY LAW.**

29 **(E) IF ACTING IN THE CAPACITY OF A SERVICE PROVIDER, NOTHING IN THIS**
30 **SECTION SHALL BE CONSTRUED TO IMPOSE LIABILITY ON:**

31 **(1) A TELECOMMUNICATIONS SERVICE PROVIDER;**

1 **(2) AN INTERCONNECTED VOIP PROVIDER AS DEFINED IN 47 U.S.C.**
2 **§ 153;**

3 **(3) A MOBILE SERVICE PROVIDER AS DEFINED IN 47 U.S.C. § 153;**

4 **(4) A COMMERCIAL MOBILE SERVICE PROVIDER AS DEFINED IN 47**
5 **U.S.C. § 332(D); OR**

6 **(5) A CABLE OPERATOR AS DEFINED IN 47 U.S.C. § 522.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2024.