

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1999 Legislative Session

Bill No. CB-58-1999

Chapter No. 50

Proposed and Presented by Council Member Estep

Introduced by Council Member Estep

Co-Sponsors _____

Date of Introduction October 19, 1999

BILL

AN ACT concerning

Personal Identity Fraud

For the purpose of defining the crime of personal identity fraud and providing criminal penalties.

BY adding:

SUBTITLE 14. MORALS AND CONDUCT.

Sections 14-145, 14-146 and 14-147,

The Prince George's County Code

(1995 Edition, 1998 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 14-145, 14-156, and 14-147 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 14. MORALS AND CONDUCT.

DIVISION 7. FRAUD.

Sec. 14-145. Unauthorized use of personal identifying information.

(a) In this section, "personal identifying information" means any name or number that may be used, alone or in conjunction with any other information, to assume the identity of an individual, including the individual's name, date of birth, address, telephone number, social security account number, driver's license number, place of employment, employee identification number, mother's maiden name, bank or other financial institution account number, personal identification number or password, or credit card number of an individual.

1 (b) A person shall not knowingly, willfully, and with fraudulent intent obtain or aid
 2 another person in obtaining personal identifying information of an individual, without the
 3 consent of that individual, for the purpose of using the personal identifying information to obtain
 4 or attempt to obtain any benefit, credit, goods, services, identification card or evidence of such
 5 person's identity, or other item of value in the name of that individual, or for any other unlawful
 6 purpose.

7 (c) A person shall not knowingly, willfully, and with fraudulent intent obtain or aid
 8 another person in obtaining personal identifying information of an individual, without the
 9 consent of that individual, for the purpose of using the personal identifying information to pose
 10 as that person in order to obtain or attempt to obtain any benefit, credit, goods, services,
 11 identification card or evidence of such person's identity, or other item of value in the name of
 12 that individual, or for any other unlawful purpose.

13 (d) A person shall not knowingly and willfully assume the identity of another person

14 (1) with the fraudulent intent to obtain any benefit, credit, goods, services or other
 15 item of value;

16 (2) with the fraudulent intent to avoid the payment of a debt or other legal
 17 obligation;

18 (3) to avoid prosecution for a crime; or

19 (4) for any other unlawful purpose.

20 (e) A person shall not knowingly and willfully provide false personal identifying
 21 information to a law enforcement officer or law enforcement official following an arrest.

22 **Sec. 14-146. Same, penalty.**

23 (a) A person who violates this division is guilty of a misdemeanor and upon conviction is
 24 subject to a fine not exceeding \$1,000 or imprisonment not exceeding six months or both.

25 **Sec. 14-147. Same, assistance to victim.**

26 (a) In any case in which a person uses the personal identifying information of another
 27 person to commit a crime and is charged with that crime, the records of the Police Department
 28 shall reflect that the person whose identity was falsely used in connection with the commission
 29 of the crime did not commit the crime and such information shall be submitted to the court in
 30 which the crime is prosecuted.

1 (b) In any case in which a person uses the personal identifying information of another
2 person to commit a crime the Police Department shall treat the person whose identity was falsely
3 used as a victim and a person in interest and shall provide copies of public records relating to the
4 investigation to the victim without charge. To the extent possible, each County agency shall
5 assist the person to correct mistaken or incorrect personal identifying information the agency
6 receives, retains, or transmits.

7 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
8 calendar days after it becomes law.

Adopted this 9th day of November, 1999.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
M. H. Jim Estepp
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.