

PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 11/9/99

Reference No.: CB-58-1999

Proposer: Estep

Draft No.: 2

Sponsors: Estep

Item Title: An Act defining the crime of personal identity fraud and providing criminal penalties

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Cindy Blackistone
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/21/99

Executive Action: 11/26/99 S

Committee Referral: 9/21/99 PSFM

Effective Date: 1/11/2000

Committee Action: 10/07/99/ FAV(A)

Date Introduced: 10/19/99

Public Hearing: 11/9/99 10:30 A.M.

Council Action: 11/9/99 ENACTED

Council Votes: JE:A, DB:A, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

PUBLIC SAFETY & FISCAL MANAGEMENT COMMITTEE REPORT Date: 10/7/99

Committee Vote: Favorable as amended, 5-0, (In favor: Council Members Wilson, Estep, Hendershot, Russell and Scott).

This bill will make the unauthorized use of personal identifying information a crime and provide that the person whose identity is stolen be considered as the victim of the crime thereby allowing them access to police records. Also, this legislation requires the County's assistance in correcting the effects of identity theft or fraud and makes the offense a misdemeanor, with a penalty of a fine not to exceed \$1,000 or imprisonment not to exceed six months or both.

Identity theft or identity fraud is the act of using someone's name, address, social security number or other personal information without their permission. Until last year, this was not even a crime at the federal or state level.

The Maryland Public Interest Research Group (MaryPIRG) and Ann Lombardi submitted letters of support for this legislation.

The Office of Law recommended the following amendments:

1. On Page 2, line 28, delete “and the courts”
2. On page 2, line 29, before the period, add
“and such information shall be submitted to the court in which the crime is prosecuted”

There may be some positive fiscal impact on the County related to the issuance of a fine not exceeding \$1,000. The amount cannot be determined at this time due to the uncertainty of the number of future convictions.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

The appropriation of a person’s identity for fraudulent purposes creates significant problems for the person whose identity has been used by another. The proposed legislation will make the unauthorized use of personal identifying information a crime and will provide that the actual person will be treated as the victim of the crime. The victim will be treated as a “person in interest” for purposes of the Maryland Public Information Act and will provided assistance by the County to correct the effects of identity theft.

CODE INDEX TOPICS: