

(1) WITH FRAUDULENT INTENT TO OBTAIN ANY BENEFIT, CREDIT, GOODS, SERVICES, OR OTHER ITEM OF VALUE;

(2) WITH FRAUDULENT INTENT TO AVOID THE PAYMENT OF A DEBT OR OTHER LEGAL OBLIGATION; OR

(3) TO AVOID PROSECUTION FOR A CRIME.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT IN THE PENITENTIARY NOT EXCEEDING 1 YEAR OR BOTH.

(E) IN ADDITION TO THE RESTITUTION PROVIDED UNDER § 807 OF THIS ARTICLE, A COURT MAY ORDER A PERSON WHO PLEADS GUILTY OR NOLO CONTENDERE OR IS FOUND GUILTY UNDER THIS SECTION TO MAKE RESTITUTION TO THE VICTIM FOR REASONABLE COSTS INCURRED, INCLUDING REASONABLE ATTORNEY'S FEES:

(1) FOR CLEARING THE VICTIM'S CREDIT HISTORY OR CREDIT RATING;
AND

(2) IN CONNECTION WITH ANY CIVIL OR ADMINISTRATIVE PROCEEDING TO SATISFY A DEBT, LIEN, JUDGMENT, OR OTHER OBLIGATION OF THE VICTIM THAT AROSE AS A RESULT OF THE VIOLATION OF THIS SECTION.

(F) A SENTENCE UNDER THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE VIOLATION OF THIS SECTION.

~~(3) IN ADDITION TO THE PENALTY PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS ALSO LIABLE TO THE VICTIM FOR LIQUIDATED DAMAGES IN AN AMOUNT NOT TO EXCEED 25 PERCENT OF THE COSTS ENUMERATED IN PARAGRAPH (2) OF THIS SUBSECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1999.

Approved May 13, 1999.

CHAPTER 332

(House Bill 334)

AN ACT concerning

Fraud - Personal Identifying Information Theft

FOR the purpose of prohibiting certain persons from using an individual's personal identifying information without the authorization of that individual for certain purposes; prohibiting a person from assuming the identity of another for certain purposes under certain circumstances; establishing certain penalties for a