

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 for certain purposes; establishing a cause of action for a
6 person injured by a violation of this Act; establishing a certain defense; and generally
7 relating to a prohibition against the unauthorized dissemination of personal
8 identifying information.

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

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

16 **Article – Criminal Law**
17 **3–810.**

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

20 **(2) (I) “DISSEMINATE” MEANS TO CIRCULATE, DELIVER,**
21 **DISTRIBUTE, TRANSMIT, PUBLISH, POST, OR OTHERWISE DISCLOSE INFORMATION**
22 **IN A PUBLIC FORUM.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) “DISSEMINATE” DOES NOT INCLUDE A PRIVATE WRITING OR
2 ELECTRONIC COMMUNICATION TO ANOTHER FOR WHICH AN INDIVIDUAL HAS A
3 REASONABLE EXPECTATION OF PRIVACY.

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) (I) “NONECONOMIC DAMAGES” MEANS PAIN, SUFFERING,
12 INCONVENIENCE, HUMILIATION, PHYSICAL IMPAIRMENT, DISFIGUREMENT, MENTAL
13 ANGUISH, EMOTIONAL PAIN, OR OTHER NONECONOMIC DAMAGES.

14 (II) “NONECONOMIC DAMAGES” DOES NOT INCLUDE PUNITIVE
15 DAMAGES.

16 (6) “PERSONAL IDENTIFYING INFORMATION” HAS THE MEANING
17 STATED IN § 8-301(A)(6) OF THIS ARTICLE.

18 (B) THIS SECTION DOES NOT APPLY TO THE DISSEMINATION OF PERSONAL
19 IDENTIFYING INFORMATION RELATING TO:

20 (1) THE REPORTING TO A LAW ENFORCEMENT AGENCY OF ACTIVITY
21 REASONABLY BELIEVED TO BE UNLAWFUL;

22 (2) THE OFFICIAL INVESTIGATION OF CRIMINAL ACTIVITY BY A LAW
23 ENFORCEMENT AGENCY;

24 (3) THE DUTIES OF A STATE OR FEDERAL AGENCY OR AN EMPLOYEE
25 OF A STATE OR FEDERAL AGENCY ACTING IN THE EMPLOYEE’S OFFICIAL CAPACITY;
26 OR

27 (4) ACTIVITY OR CONDUCT PROTECTED BY THE UNITED STATES
28 CONSTITUTION, THE MARYLAND CONSTITUTION, OR THE MARYLAND
29 DECLARATION OF RIGHTS.

1 **(C) (1) A PERSON MAY NOT INTENTIONALLY DISSEMINATE THE**
2 **PERSONAL IDENTIFYING INFORMATION OF ANOTHER OR THE IMMEDIATE FAMILY**
3 **MEMBER OR HOUSEHOLD MEMBER OF ANOTHER:**

4 **(I) WITHOUT EXPRESS AUTHORIZATION; AND**

5 **(II) WITH THE INTENT:**

6 **1. TO THREATEN, INTIMIDATE, OR HARASS THE PERSON,**
7 **INCITE OR FACILITATE THE COMMISSION OF A CRIME OF VIOLENCE AGAINST THE**
8 **PERSON, OR PLACE THE PERSON IN REASONABLE FEAR OF DEATH OR SERIOUS**
9 **BODILY INJURY; OR**

10 **2. THAT THE INFORMATION WILL BE USED TO**
11 **THREATEN, INTIMIDATE, OR HARASS THE PERSON, INCITE OR FACILITATE THE**
12 **COMMISSION OF A CRIME OF VIOLENCE AGAINST THE PERSON, OR PLACE THE**
13 **PERSON IN REASONABLE FEAR OF DEATH OR SERIOUS BODILY INJURY.**

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

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

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

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

30 **(2) A PERSON WHO VIOLATES SUBSECTION (C)(2) OF THIS SECTION IS**
31 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT**
32 **LESS THAN 1 YEAR AND NOT EXCEEDING 5 YEARS OR A FINE OF NOT LESS THAN**
33 **\$1,000 AND NOT EXCEEDING \$10,000 OR BOTH.**

1 **(3) A PERSON WHO VIOLATES SUBSECTION (C)(3) OF THIS SECTION IS**
2 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT**
3 **LESS THAN 5 YEARS AND NOT EXCEEDING 10 YEARS OR A FINE OF NOT LESS THAN**
4 **\$1,000 AND NOT EXCEEDING \$10,000 OR BOTH.**

5 **(4) A PERSON WHO VIOLATES SUBSECTION (C)(4) OF THIS SECTION IS**
6 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT**
7 **LESS THAN 10 YEARS AND NOT EXCEEDING 20 YEARS OR A FINE OF NOT LESS THAN**
8 **\$1,000 AND NOT EXCEEDING \$10,000 OR BOTH.**

9 **(E) (1) THE VICTIM OF AN ACT THAT WOULD CONSTITUTE A VIOLATION**
10 **UNDER THIS SECTION, OR, IF THE VICTIM IS A MINOR, THE PARENT OR GUARDIAN OF**
11 **THE VICTIM, MAY BRING AN ACTION FOR INJUNCTIVE RELIEF AND DAMAGES IN A**
12 **COURT OF COMPETENT JURISDICTION AGAINST:**

13 **(I) THE PERSON WHO COMMITTED THE ACT; AND**

14 **(II) ANY PERSON WHO KNOWINGLY BENEFITED, FINANCIALLY**
15 **OR BY RECEIVING ANYTHING OF VALUE, FROM PARTICIPATION IN THE ACT IF THE**
16 **PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE ACT CONSTITUTED**
17 **A VIOLATION OF THIS SECTION.**

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

19 **(I) ISSUE A TEMPORARY OR PERMANENT INJUNCTION TO**
20 **PREVENT OR RESTRAIN AN ACT THAT WOULD CONSTITUTE A VIOLATION OF THIS**
21 **SECTION; AND**

22 **(II) AWARD TO A PREVAILING PLAINTIFF:**

23 **1. COMPENSATORY DAMAGES;**

24 **2. NONECONOMIC DAMAGES NOT EXCEEDING \$5,000**
25 **PER VIOLATION OF THIS SECTION;**

26 **3. PUNITIVE DAMAGES; AND**

27 **4. REASONABLE ATTORNEY'S FEES AND COSTS.**

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

1 **(F) IT IS A DEFENSE TO A PROSECUTION OR CIVIL ACTION UNDER THIS**
2 **SECTION THAT THE DISSEMINATION OF PERSONAL IDENTIFYING INFORMATION BY A**
3 **DEFENDANT WAS IN RESPONSE TO WHAT THE DEFENDANT REASONABLY BELIEVED**
4 **WAS A LAWFUL REQUEST.**

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