

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

R.O.S.

L.D. 224

DATE: 4-7-99

(Filing No. H-183)

CRIMINAL JUSTICE

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE HOUSE OF REPRESENTATIVES 119TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 162, L.D. 224, Bill, "An Act to Prohibit the Taking of Another Person's Legal Identification"

Amend the bill by striking out the title and substituting the following:

'An Act to Prohibit the Misuse of Identification'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 14 MRSA §153-A is enacted to read:

§153-A. Defense in action based on misuse of legal identification

It is a defense to a civil action for monetary damages that the damages arose from the misuse of a form of legal identification and the use of that identification has resulted in the conviction of a person other than the defendant under Title 17-A, sections 354 and 905-A.

Sec. 2. 17-A MRSA §905, as amended by PL 1979, c. 512, §31, is repealed.

Sec. 3. 17-A MRSA §905-A is enacted to read:

§905-A. Misuse of identification

1. A person is guilty of misuse of identification if, in order to obtain confidential information, property or services, the person intentionally or knowingly:

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 162, L.D. 224

2 A. Presents or uses a credit or debit card that is stolen,
4 forged, canceled or obtained as a result of fraud or
 deception;

6 B. Presents or uses an account, credit or billing number
8 that that person is not authorized to use or that was
 obtained as a result of fraud or deception; or

10 C. Presents or uses a form of legal identification that
12 that person is not authorized to use.

14 2. It is an affirmative defense to prosecution under this
16 section that the person believed in good faith that the person
 was authorized to present or use the card, number or legal
 identification.

18 3. Upon proof of actual or constructive notice of
20 cancellation, it is presumed that a person who presented a
 canceled credit or debit card knew it had been canceled.

22 4. As used in this section, "legal identification" includes
24 a social security card, social security number, birth
26 certificate, driver's license, government-issued identification
28 card, oral statement of full name and date of birth or any other
 means of identifying a person that is generally accepted as
 accurate and reliable.

30 5. Misuse of identification is a Class D crime.'

32 Further amend the bill by inserting at the end before the
summary the following:

·FISCAL NOTE

36 This bill may increase prosecutions for Class D crimes. If
38 a jail sentence is imposed, the additional costs to the counties
40 are estimated to be \$82.48 per day per prisoner. These costs are
42 not reimbursed by the State. The number of prosecutions that may
 result in a jail sentence and the resulting costs to the county
 jail system are expected to be insignificant.

44 The additional workload, administrative costs and indigent
46 defense costs associated with the minimal number of new cases
48 filed in the court system can be absorbed within the budgeted
 resources of the Judicial Department. The collection of
 additional fines may also increase General Fund revenue by minor
 amounts.'

50

COMMITTEE AMENDMENT

2
4
6
8
10
12
14

SUMMARY

The amendment replaces the bill. The amendment repeals current law regarding misuse of credit identification and enacts a broader law regarding misuse of identification. Specifically, the amendment criminalizes misuse of credit identification and debit cards and adds a provision that criminalizes any use of a form of legal identification that a person is not authorized to use. Misuse of identification is a Class D crime. The amendment also makes it a defense to a civil action seeking monetary damages that the action is based on the misuse of a form of legal identification for which another person has been convicted. The amendment also adds a fiscal note.