

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1279

Short Title: Identity Fraud.

(Public)

Sponsors: Representatives Warner; Allen, Cole, Dedmon, Hurley, Jeffus, Kinney, and Owens.

Referred to: Judiciary II.

April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO CREATE THE CRIMINAL OFFENSE OF FINANCIAL IDENTITY
2 FRAUD AND TO AUTHORIZE PERSONS WHOSE IDENTIFYING
3 INFORMATION WAS FRAUDULENTLY USED TO INSTITUTE A CIVIL
4 ACTION FOR DAMAGES.
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6 The General Assembly of North Carolina enacts:

7 Section 1. Article 20 of Chapter 14 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 14-118.6. Financial identity fraud.**

10 (a) Offense of Identity Fraud. – Any person who knowingly and willfully obtains
11 or records identifying information that would assist in accessing the financial resources of
12 another person or accesses or attempts to access the financial resources of another person
13 through the use of identifying information without the authorization or permission of that
14 other person and with the intent unlawfully to appropriate financial resources of that
15 other person to the person's own use or to the use of a third party is guilty of a Class I
16 felony.

17 (b) Definition. – For purposes of this section, identifying information includes a
18 name, address, or telephone number; social security number; drivers license number;
19 checking account number; savings account number; credit card number; debit card

1 number; personal identification number; electronic identification number; digital
2 signature; identification number assigned by an employer; maiden name of an individual
3 or of the individual's mother; or any other number or information that can be used to
4 access a person's financial resources.

5 (c) Civil Action. – Any person whose identifying information is fraudulently used
6 in violation of subsection (a) of this section may institute a civil action to enjoin and
7 restrain any violation of this section and is entitled to civil damages of up to five
8 thousand dollars (\$5,000) for each violation of subsection (a), or three times the amount
9 of actual damages, if any, sustained by the plaintiff, whichever amount is greater. The
10 judge may award attorneys' fees to the prevailing party.

11 (d) Investigation. – The Attorney General may investigate any complaint
12 regarding financial identity fraud. In conducting such investigations, the Attorney
13 General has all the investigating powers that are available to the Attorney General under
14 Article 1 of Chapter 75 of the General Statutes.

15 (e) Prosecutions. – The Attorney General may conduct the criminal prosecution of
16 all cases of financial identity fraud or refer them to the district attorney in the county
17 where the crime was committed.

18 (f) County of Offense. – In any criminal proceeding brought pursuant to this
19 section, the crime is considered to have been committed in any county in which any part
20 of the financial identity fraud took place, regardless of whether the defendant was ever
21 actually in that county.

22 (g) Restitution. – In addition to being imprisoned, a person found guilty of
23 financial identity fraud under this section may be ordered by the court to make restitution
24 to any victim of fraud.

25 (h) Notation in Court Records. – In any case in which a person obtains identifying
26 information of another person in violation of subsection (a) of this section, uses that
27 information to commit a crime in addition to a violation of subsection (a) of this section,
28 and is convicted of that additional crime, the court records shall reflect that the person
29 whose identity was falsely used to commit the crime did not commit the crime."

30 Section 2. This act becomes effective December 1, 1999, and applies to
31 offenses committed and violations occurring on or after that date.