

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1279
Committee Substitute Favorable 4/27/99

Short Title: Financial Identity Fraud.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED
AN ACT TO CREATE THE CRIMINAL OFFENSE OF FINANCIAL IDENTITY
FRAUD.

The General Assembly of North Carolina enacts:

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

“ARTICLE 19C.

"FINANCIAL IDENTITY FRAUD.

"§ 14-113.20. Financial identity fraud.

(a) A person is guilty of financial identity fraud when the person intends to appropriate unlawfully the financial resources of another person and, without the authorization or consent of that other person, does one of the following:

(1) Obtains or records identifying information that would assist in accessing the financial resources of the other person.

(2) Accesses or attempts to access the financial resources of the other person through the use of identifying information.

(b) The term ‘identifying information’ as used in this section includes the following:

(1) Social security numbers.

- 1 (2) Drivers license numbers.
- 2 (3) Checking account numbers.
- 3 (4) Savings account numbers.
- 4 (5) Credit card numbers.
- 5 (6) Debit card numbers.
- 6 (7) Personal Identification (PIN) Code as defined in G.S. 14-113.8(8).
- 7 (8) Electronic identification numbers.
- 8 (9) Digital signatures.
- 9 (10) Any other numbers or information that can be used to access a person's
10 financial resources.

11 **"§ 14-113.21. Exceptions.**

12 The prohibitions set forth in G.S. 14-113.20 do not apply to any of the following:

- 13 (1) The lawful obtaining of credit information in the course of a bona fide
14 consumer or commercial transaction.
- 15 (2) The lawful, good faith exercise of a security interest or a right to offset
16 by a creditor or financial institution.
- 17 (3) The lawful, good faith compliance by any party when required by any
18 warrant, court order, levy, garnishment, attachment, or other judicial or
19 administrative order, decree, or directive.

20 **"§ 14-113.22. Venue of offenses.**

21 In any criminal proceeding brought under this Article, the crime is considered to be
22 committed in any county in which any part of the financial identity fraud took place,
23 regardless of whether the defendant was ever actually present in that county.

24 **"§ 14-113.23. Punishment and restitution.**

25 (a) A violation of this Article is punishable as a Class H felony.

26 (b) Any person whose identifying information is fraudulently used in violation of
27 subsection (a) of this section may institute a civil action to enjoin and restrain any
28 violation of this section and is entitled to civil damages of up to five thousand dollars
29 (\$5,000) for each violation of subsection (a) of this section, or three times the amount of
30 actual damages, if any, sustained by the plaintiff, whichever amount is greater. The judge
31 may award attorneys' fees to the prevailing party.

32 (c) In addition to being punished as provided in subsection (a) of this section, a
33 person convicted of financial identity fraud may be ordered by the court to make
34 restitution to any victims of this fraud.

35 (d) In any case in which a person obtains identifying information of another person
36 in violation of subsection (a) of this section, uses that information to commit a crime in
37 addition to a violation of subsection (a) of this section, and is convicted of that additional
38 crime, the court records shall reflect that the person whose identity was falsely used to
39 commit the crime did not commit the crime."

40 Section 2. This act becomes effective December 1, 1999, and applies to
41 offenses committed on or after that date.