

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 590

Short Title: False Impersonation/Identity Fraud.

(Public)

Sponsors: Senators Odom; Clodfelter and Foxx.

Referred to: Judiciary I.

March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF FALSE IMPERSONATION
AND IDENTITY FRAUD.

The General Assembly of North Carolina enacts:

Section 1. Article 20 of Chapter 14 of the General Statutes is amended by
adding the following:

"§ 14-118.6. False impersonation and identity fraud.

(a) The following definitions apply in this section:

(1) Harass. – To willfully and maliciously engage in an act directed at a specific person, which act seriously alarms or annoys the person and that would cause a reasonable person to suffer substantial emotional distress.

(2) Personal identifying information. – Any name or number that may be used, alone or in conjunction with any other information, to assume the identity of an individual, including any name, address, telephone number, drivers license number, social security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, credit card number, or computer password identification.

1 (3) Pose. – To falsely represent oneself, directly or indirectly, as another
2 person.

3 (4) Victim. – Any person who has suffered financial loss or any entity that
4 provided money, credit, goods, services, or anything of value and has
5 suffered financial loss as a direct result of the commission or attempted
6 commission of a violation of this section.

7 (b) Whoever, with intent to defraud, poses as another person without the express
8 authorization of that person and uses the person's personal identifying information to
9 obtain or to attempt to obtain money, credit, goods, services, anything of value, any
10 identification card or other evidence of the person's identity, or to harass another is guilty
11 of identity fraud and shall be punished as a Class H felon.

12 (c) Whoever, with intent to defraud, obtains personal identifying information
13 about another person without the express authorization of that person, with the intent to
14 pose as the person or who obtains personal identifying information about a person with
15 the express authorization of the person in order to assist another to pose as the person in
16 order to obtain money, credit, goods, services, anything of value, any identification card
17 or other evidence of the person's identity, or to harass another is guilty of the crime of
18 identity fraud and shall be punished as a Class H felon.

19 (d) A person found guilty of violating any provisions of this section shall, in
20 addition to any other punishment, be ordered to make restitution for financial loss
21 sustained by a victim as a result of the violation. Financial loss may include any costs
22 incurred by the victim in correcting the credit history of the victim or any costs incurred
23 in connection with any civil or administrative proceeding to satisfy any debt or other
24 obligation of the victim, including lost wages and attorneys' fees."

25 Section 2. Article 30 of Chapter 14 of the General Statutes is amended by
26 adding a new section to read:

27 **"§ 14-226.2. Provide false identity upon arrest.**

28 Whoever knowingly and willfully furnishes a false name or social security number to
29 a law enforcement official following an arrest is guilty of a Class 2 misdemeanor. The
30 sentence imposed shall run from and after any sentence imposed as a result of the
31 underlying offense. The court may order that restitution be paid to the person whose
32 identity has been assumed and who has suffered monetary losses as a result of a violation
33 of this section."

34 Section 3. This act becomes effective December 1, 1999, and applies to
35 offenses committed on or after that date.