

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 814

Short Title: Financial Identity Fraud.

(Public)

Sponsors: Representatives Hensley; and Goodwin.

Referred to: Judiciary II.

April 1, 1999

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

4 The General Assembly of North Carolina enacts:

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

7 **"ARTICLE 19C.**

8 **"FINANCIAL IDENTITY FRAUD.**

9 **"§ 14-113.20. Financial identity fraud.**

10 It is unlawful for any person, without the authorization or permission of another
11 person, and with the intent unlawfully to appropriate financial resources of that other
12 person to his or her own use or to the use of a third party to do the following:

13 (1) Obtain or record identifying information that would assist in accessing
14 the financial resources of the other person; or

15 (2) Access or attempt to access the financial resources of the other person
16 through the use of identifying information. Such identifying
17 information shall include, but not be limited to, the following:

18 a. Social security numbers.

19 b. Drivers license numbers.

20 c. Checking account numbers.

- 1 d. Savings account numbers.
- 2 e. Credit card numbers.
- 3 f. Debit card numbers.
- 4 g. Personal identification (PIN) numbers.
- 5 h. Electronic identification numbers.
- 6 i. Digital signatures.
- 7 j. Any other numbers or information that can be used to access a
- 8 person's financial resources.

9 **"§ 14-113.21. Exceptions.**

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

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

18 **"§ 14-113.22. Venue of offenses.**

19 In any criminal proceeding brought pursuant to this Article, the crime is considered to

20 be committed in any county in which any part of the financial identity fraud took place,

21 regardless of whether the defendant was ever actually present in such county.

22 **"§ 14-113.23. Punishment and restitution.**

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

24 (b) In addition to being punished as provided in subsection (a) of this section, a

25 person convicted of financial identity fraud may be ordered by the court to make

26 restitution to any victims of such fraud."

27 Section 2. This act becomes effective December 1, 1999, and applies to

28 offenses committed on or after that date.