

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1069

Short Title: Criminal Impersonation.

(Public)

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Sponsors: Senator Rand.

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Referred to: Judiciary I.

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April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO CREATE THE OFFENSE OF CRIMINAL IMPERSONATION, TO  
2 ENHANCE THE PENALTY FOR IMPERSONATING A LAW ENFORCEMENT  
3 OFFICER OR OTHER PUBLIC OFFICERS IN CERTAIN CIRCUMSTANCES,  
4 AND TO RAISE THE CRIMINAL PENALTY FOR IMPERSONATING  
5 EMERGENCY MEDICAL PERSONNEL, LAW ENFORCEMENT OFFICERS,  
6 AND OTHER PUBLIC OFFICERS.

7 The General Assembly of North Carolina enacts:

8 Section 1. Article 19 of Chapter 14 of the General Statutes is amended by  
9 adding a new section to read:

10 **"§ 14-100.1. Criminal impersonation.**

11 (a) For purposes of this section, 'assuming a false identity' includes: providing a  
12 false name, address, date of birth, social security number, drivers license number,  
13 identification card, or any other means of identification or identification information  
14 other than that rightfully belonging to a person. The term also includes the act of  
15 pretending to have a handicap.

16 (b) It is unlawful for any person to assume a false identity without legal purpose  
17 and to engage in conduct under that false identity with the intent to defraud or injure  
18 another, or to unjustly obtain a benefit from another. Except as otherwise provided, a  
19 violation of this section is punishable as a Class A1 misdemeanor.  
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1       (c) A person who assumes a false identity in giving information to a law  
2 enforcement officer pursuant to a traffic citation or other criminal investigation shall be  
3 punished as follows:

4           (1) If the citation or investigation involved a traffic accident resulting in the  
5 serious injury or death of any person, then the person assuming a false  
6 identity is guilty of a Class F felony.

7           (2) If the false information provided results in a criminal or traffic charge  
8 being brought against a named individual other than the person  
9 assuming the false identity, then the person assuming the false identity  
10 is guilty of a Class H felony.

11       (d) Notwithstanding any other provision of law, if a court finds that a named  
12 individual has been wrongfully charged with a criminal or traffic offense because another  
13 person falsely assumed the identity of the individual by giving false information to a law  
14 enforcement officer, then the court shall order the expunction of the criminal record of  
15 the individual wrongfully charged. The costs of the expunction shall not be taxed against  
16 the person wrongfully charged."

17       Section 2. G.S. 14-276.1 reads as rewritten:

18 **"§ 14-276.1. Impersonation of firemen or emergency medical services personnel.**

19       It is a ~~Class 3~~ Class 2 misdemeanor, for any person, with intent to deceive, to  
20 impersonate a fireman or any emergency medical services personnel, whether paid or  
21 voluntary, by a false statement, display of insignia, emblem, or other identification on his  
22 person or property, or any other act, which indicates a false status of affiliation,  
23 membership, or level of training or proficiency, if:

24           (1) The impersonation is made with intent to impede the performance of the  
25 duties of a fireman or any emergency medical services personnel, or

26           (2) Any person reasonably relies on the impersonation and as a result  
27 suffers injury to person or property.

28 For purposes of this section, emergency medical services personnel means a medical  
29 responder, emergency medical technician, emergency medical technician intermediates,  
30 emergency medical technician paramedics, or other member of a rescue squad or other  
31 emergency medical organization."

32       Section 3. G.S. 14-277 reads as rewritten:

33 **"§ 14-277. Impersonation of a law-enforcement or other public officer.**

34       (a) No person shall falsely represent to another that he is a sworn law-enforcement  
35 officer. As used in this section, a person represents that he is a sworn law-enforcement  
36 officer if he:

37           (1) Verbally informs another that he is a sworn law-enforcement officer,  
38 whether or not the representation refers to a particular agency;

39           (2) Displays any badge or identification signifying to a reasonable  
40 individual that the person is a sworn law-enforcement officer, whether  
41 or not the badge or other identification refers to a particular law-  
42 enforcement agency;

1 (3) Unlawfully operates a vehicle on a public street, highway or public  
2 vehicular area with an operating red light as defined in G.S. 20-  
3 130.1(a); or

4 (4) Unlawfully operates a vehicle on a public street, highway, or public  
5 vehicular area with an operating blue light as defined in G.S. 20-  
6 130.1(c).

7 (b) No person shall, while falsely representing to another that he is a sworn law-  
8 enforcement officer, carry out any act in accordance with the authority granted to a law-  
9 enforcement officer. For purposes of this section, an act in accordance with the authority  
10 granted to a law-enforcement officer includes:

11 (1) Ordering any person to remain at or leave from a particular place or  
12 area;

13 (2) Detaining or arresting any person;

14 (3) Searching any vehicle, building, or premises, whether public or private,  
15 with or without a search warrant or administrative inspection warrant;

16 (4) Unlawfully operating a vehicle on a public street or highway or public  
17 vehicular area equipped with an operating red light or siren in such a  
18 manner as to cause a reasonable person to yield the right-of-way or to  
19 stop his vehicle in obedience to such red light or siren;

20 (5) Unlawfully operating a vehicle on a public street or highway or public  
21 vehicular area equipped with an operating blue light in such a manner as  
22 to cause a reasonable person to yield the right-of-way or to stop his  
23 vehicle in obedience to such blue light.

24 (c) Nothing in this section shall prohibit any person from detaining another as  
25 provided by G.S. 15A-404 or assisting a law-enforcement officer as provided by G.S.  
26 15A-405.

27 (d) Repealed by Session Laws 1995 (Reg. Sess., 1996), c. 712, s. 1.

28 (d1) Violations under this section are punishable as follows:

29 (1) A violation of subdivision (a)(1), (2), or (3) is a Class 1 misdemeanor.

30 (2) A violation of subdivision ~~(b)(1), (2), (3), or (4)~~ (b)(1) is a Class 1  
31 misdemeanor. Notwithstanding the disposition in G.S. 15A-1340.23, the  
32 court may impose an intermediate punishment on a person sentenced  
33 under this subdivision.

34 (3) A violation of subdivision (a)(4) is a Class I felony.

35 (4) A violation of subdivision ~~(b)(5)~~ (2), (3), (4), or (5) is a Class H felony.

36 (d2) If a person violates this section, and during the violation or in immediate flight  
37 from the violation, the person causes physical injury to another person who is not a  
38 participant in the violation, or commits a felony, then the person is guilty of a Class F  
39 felony in addition to any other misdemeanor or felony committed under this section by  
40 the person.

41 (e) It shall be unlawful for any person other than duly authorized employees of a  
42 county, a municipality or the State of North Carolina, including but not limited to, the  
43 Department of Social Services, Health, Area Mental Health, Developmental Disabilities,

1 and Substance Abuse Authority or Building Inspector to represent to any person that they  
2 are duly authorized employees of a county, a municipality or the State of North Carolina  
3 or one of the above-enumerated departments and acting upon such representation to  
4 perform any act, make any investigation, seek access to otherwise confidential  
5 information, perform any duty of said office, gain access to any place not otherwise open  
6 to the public, or seek to be afforded any privilege which would otherwise not be afforded  
7 to such person except for such false representation or make any attempt to do any of said  
8 enumerated acts. Any person, corporation, or business association violating the  
9 provisions of this section shall be guilty of a Class 1 misdemeanor."

10 Section 4. This act becomes effective December 1, 1999, and applies to  
11 offenses committed on or after that date.