

N.C.P.I.-Crim. 219B.80A
IDENTITY THEFT-FINANCIAL IDENTITY FRAUD RESULTING IN ANOTHER
PERSON'S [ARREST] [DETENTION] [CONVICTION OF A CRIMINAL
OFFENSE]. FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2010
N.C. Gen. Stat. §§ 14-113.20; 14-113.22

219B.80A IDENTITY THEFT - FINANCIAL IDENTITY FRAUD RESULTING IN
ANOTHER PERSON'S [ARREST] [DETENTION] [CONVICTION OF A
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*NOTE WELL: If the defendant's actions did not result in
the arrest, detention, or conviction of another person,
use N.C.P.I.-Crim. 219B.80.*

The defendant has been charged with identity theft resulting in
another person's [arrest] [detention] [conviction of a criminal offense].

For you to find the defendant guilty of this offense, the State must
prove three things beyond a reasonable doubt.

First, that the defendant [obtained] [possessed] [used] personal
identifying information¹ of another person. (*Name type of identifying
information, e.g., social security number*) would be personal identifying
information.

Second, that the defendant acted knowingly and with the intent² to
fraudulently represent that the defendant was that other person for the
purpose of [making financial or credit transactions in the other person's
name] [obtaining anything of value, benefit, or advantage] [avoiding
legal consequences].

*NOTE WELL: Until December of 2002, lack of consent
of the victim was an element of the offense.*

And Third, that as a proximate result of the defendant's action,
that other person was [arrested] [detained] [convicted of a criminal
offense].

If you find from the evidence beyond a reasonable doubt that on or

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about the alleged date the defendant [obtained] [possessed] [used] personal identifying information of another person, that the defendant did so knowingly, with the intent to fraudulently represent that the defendant was that other person for the purpose of [making financial or credit transactions in that other person's name] [obtaining anything of value, benefit, or advantage] [avoiding legal consequences], and that as a proximate result of the defendant's action that other person was [arrested] [detained] [convicted of a criminal offense], it would be your duty to return a verdict of guilty of identity theft resulting in another person's [arrest] [detention] [conviction of a criminal offense]. If you do not so find or have a reasonable doubt as to one or more of these things, you will consider whether the defendant is guilty of identity theft. Identity theft differs from identity theft resulting in another person's [arrest] [detention] [conviction of a criminal offense] in that the state is not required to prove that as a proximate result of the defendant's action another person was [arrested] [detained] [convicted of a criminal offense].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [obtained] [possessed] [used] personal identifying information of another person, that the defendant did so knowingly, and with the intent to fraudulently represent that the defendant was that other person for the purpose of [making financial or credit transactions in that other person's name] [obtaining anything of value, benefit, or advantage] [avoiding legal consequences], it would be your duty to return a verdict of guilty of identity theft. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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1. N.C. Gen. Stat. § 14-113.20(b) The term "identifying information" as used in this Article includes the following:

- a. Social security or employer taxpayer identification numbers.
- b. Drivers license, State identification card, or passport numbers.
- c. Checking account numbers.
- d. Savings account numbers.
- e. Credit card numbers.
- f. Debit card numbers.
- g. Personal Identification (PIN) Code as defined in N.C. Gen. Stat. §14-113.8(6).
- h. Electronic identification numbers, electronic mail names or addresses,
Internet account numbers, or Internet identification names.
- i. Digital signatures.
- j. Any other numbers or information that can be used to access a person's
financial resources.
- k. Biometric data.
- l. Fingerprints.
- m. Passwords.
- n. Parent's legal surname prior to marriage.

2. If a definition of intent is needed, see N.C.P.I.-Crim. 120.10.