

Sixty-third  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1197**

Introduced by

Representatives Delmore, Dockter, Thoreson

Senators Dever, Holmberg, Triplett

1 A BILL for an Act to amend and reenact section 12.1-23-11 of the North Dakota Century Code,  
2 relating to identity theft; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 12.1-23-11 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **12.1-23-11. Unauthorized use of personal identifying information - Penalty.**

7 1. As used in this section, "personal identifying information" means any of the following  
8 information:

- 9 a. An individual's name;
- 10 b. An individual's address;
- 11 c. An individual's telephone number;
- 12 d. The distinguishing operator's license number assigned to an individual by the  
13 department of transportation under section 39-06-14;
- 14 e. An individual's social security number;
- 15 f. An individual's employer or place of employment;
- 16 g. An identification number assigned to the individual by the individual's employer;
- 17 h. The maiden name of the individual's mother;
- 18 i. The identifying number of a depository account in a financial institution; ~~or~~
- 19 j. An individual's birth, death, or marriage certificate-;
- 20 k. An individual's photograph or computerized image; ~~or~~
- 21 l. An individual's ~~computer system password or~~ e-mail address; or
- 22 m. An individual's username and password of any digital service or computer  
23 system.

1       2. A personAn individual is guilty of an offense if the personindividual uses or attempts to  
2       use any personal identifying information of ananother individual, living or deceased, to  
3       obtain credit, money, goods, services, or anything else of value without the  
4       authorization or consent of the other individual and by representing that person is the  
5       individual or is acting with the authorization or consent of the individual. The offense is  
6       a class B felony if the credit, money, goods, services, or anything else of value  
7       exceeds one thousand dollars in value, otherwise the offense is a class C felony. A  
8       second or subsequent offense is a class A felony.

9       3. ~~An individual is guilty of an offense if the individual uses or attempts to use any~~  
10      ~~personal identifying information of another individual, living or deceased, without the~~  
11      ~~authorization or consent of the other individual, to interfere with or initiate a contract or~~  
12      ~~service for another individual, to obtain or continue employment, to gain access to~~  
13      ~~personal identifying information of another individual, or to commit an offense in~~  
14      ~~violation of the laws of this state, whether or not there is any actual economic loss to~~  
15      ~~the other individual. A first offense under this subsection is a class A misdemeanor. A~~  
16      ~~second or subsequent offense under this subsection is a class C felony.~~

17      —4. A violation of this section, of a law of another state, or of federal law that is equivalent  
18      to this section and which resulted in a plea or finding of guilt must be considered a  
19      prior offense. The prior offense must be alleged in the complaint, information, or  
20      indictment. The plea or finding of guilt for the prior offense must have occurred before  
21      the date of the commission of the offense or offenses charged in the complaint,  
22      information, or indictment.

23      4.5. A prosecution for a violation of this section must be commenced within six years after  
24      discovery by the victim of the offense of the facts constituting the violation.

25      5.6. When a person commits violations of this section in more than one county involving  
26      either one or more victims or the commission of acts constituting an element of the  
27      offense, the multiple offenses may be consolidated for commencement of prosecution  
28      in any county where one of the offenses was committed.