

Introduced by

Representatives K. Koppelman, Paur, Wall

Senators Andrist, Hogue, Laffen

1 A BILL for an Act to amend and reenact section 12.1-23-11 of the North Dakota Century Code,  
2 relating to the unauthorized use of personal identifying information; 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 2. A person is guilty of an offense if the person uses or attempts to use any personal  
21 identifying information of an individual, living or deceased, to obtain credit, money,  
22 goods, services, or anything else of value without the authorization or consent of the  
23 individual and by representing that person is the individual or is acting with the  
24 authorization or consent of the individual. The offense is a class B felony if the credit,

1 money, goods, services, or anything else of value exceeds one thousand dollars in  
2 value, otherwise the offense is a class C felony. A second or subsequent offense is a  
3 class A felony.

4 3. A person is guilty of ~~a class C felony~~an offense if the person uses or attempts to use  
5 any personal identifying information of an individual, living or deceased, ~~to enter,~~  
6 ~~modify, cancel, or otherwise interfere with a contractual or service agreement of~~  
7 ~~another without the authorization or consent of the individual and by representing that~~  
8 ~~person is the individual or is acting with the authorization or consent of the~~  
9 ~~individual~~without the authorization or consent of the individual, in order to interfere with  
10 or initiate a contract or service for a person other than that individual, to obtain or  
11 continue employment, to gain access to personal identifying information of another  
12 individual, or to commit an offense in violation of the laws of this state, regardless of  
13 whether there is any actual economic loss to the individual. A first offense under this  
14 subsection is a class A misdemeanor. A second or subsequent offense under this  
15 subsection is a class C felony.

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

22 4.5. A prosecution for a violation of this section must be commenced within six years after  
23 discovery by the victim of the offense of the facts constituting the violation.

24 5.6. When a person commits violations of this section in more than one county involving  
25 either one or more victims or the commission of acts constituting an element of the  
26 offense, the multiple offenses may be consolidated for commencement of prosecution  
27 in any county where one of the offenses was committed.