

IDENTITY THEFT—POSSESSION OF IDENTIFYING INFORMATION PERTAINING TO THREE OR MORE PERSONS. G.S. 14-113.20; 14-113.22. FELONY.

The defendant has been charged with possession of identifying information pertaining to three or more persons.

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]

1. G.S. 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 G.S. 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.

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[credit] transactions in the other person's name] [obtaining anything of [value] [benefit] [advantage]] [avoiding legal consequences].

And Third, that the defendant was in possession of the identifying information pertaining to three or more persons.

NOTE WELL: *Until December of 2002, lack of consent of the victim was an element of the 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, with the intent to fraudulently represent that the defendant was that other person for the purpose of [making [financial] [credit] transactions in the other person's name] [obtaining anything of [value] [benefit] [advantage]] [avoiding legal consequences], and that the defendant was in possession of the identifying information of three or more persons, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then you will consider whether the defendant is guilty of identity theft. Identity theft differs from possession of the identifying information of three or more persons in that the state is not required to prove that the defendant was in possession of the identifying information of three or more persons.

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] [credit] transactions

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in that other person's name] [obtaining anything of [value] [benefit] [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.

